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Sir Cha! Grave Hudson, of Wantip, in the County of Leicester; Bar!



REMEMBRANCER;

O R,

IMPARTIAL REPOSITORY

OF

PUBLIC EVENTS.

For the YEAR 1778.

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NO VIVIDA

THE

REMEMBRANCER.

JOURNAL of the most remarkable Occurrences in QUEBBE, from the 14th of November, 1775, to the 7th of May, 1776. By an Officer of the Garrison.

FTER the rebels had surprised and taken Ticonderoga and Crown Point, they made no secret of their intention to penetrate as far into Canada, that season, as possible. They openly declared it in Albany in the month of May. Timorous people, among those who knew with what facility they traverse woods in their hunting parties, began to entertain fears that they might attempt to fend a force against Quebec, by the way of Kennebek and Chaudiere Rivers, and by Connecticut and St. Francis, whilst General Carleton with the troops were employed towards Mont-They recollected that suspected persons had been sent in the winter from Casco Bay by Kennebek to this place, and it was reported early in fummer that armed men from New-England, or Nova Scotia, had patroled in the parishes below Point Levy for some days, and had fuddenly difappeared: these matters greatly alarmed some people, though the greatest part of the town looked on an expedition of that nature as chimerical, yet a guard was posted at St. Egan to give notice of the approach of an enemy, in case that the rebel woodsmen might meditate a furprise.

The fucces of the rebels under Mr. Montgomery induced many people Vol. VI.

in Quebec to shew their sentiments, and, indeed, to act as if they wished no opposition might be made against the rebel forces; a thousand different intimidating reports were industrioully spread abroad concerning their numbers-our enemies within the walls catched every favourable opportunity to work on the minds of fuch English and French men as were not confirmed in their principles .--They spoke to their fears.-" Our force, said they, is nothing; theirs is great, and grows daily—Be wife and remain neuter, that you may fecure good treatment from those who will undoubtedly take the town sooner or later.-Why fuffer our property to be destroyed! if we attempt to hold out, our ruin is unavoidable; let's think of terms of capitulation, and banish all Quixote schemes of defence.

The Republican method of calling town-meetings was adopted: in these noisy assemblies the mask was thrown off; there one could perceive who were, and who were not, the friends of Government; if report speaks truth, some of the town's folks had articles of capitulation ready to lay before the people at one of those meetings, after it was known that Arnold was on his march from Cambridge, by way of Kennebek, with B

fifteen hundred chosen men, to attack Quebec: this was about the end of October; then our Liutenant-governor was indefatigable in putting the town in a proper posture of defence. The English and French militia mounted guards regularly, and seemed willing to do the duty of soldiers to far.

On the do of November we learned that a strong body of the rebels were not fair from Quebec, and that the Canadians living on the Chaudiere did not in the least oppose their The Lieutenant-governor march. ordered all canoes, boats, &c. to be brought off from the opposite shore and from the Island of Orleans. On the 8th of November a boat from the floop of war the Hunter was fired on, and the Captain's brother (Mr. M'Kenzie, a Midshipman) was taken prisoner in attempting to swim off to her, as she lay near Colonel Caldwell's Mill, at Point Levy; next day the Hunter battered the mill, where a great body of the rebels was lodged. Colonel Maclean arrived on the 12th from Sorrel. On the 13th, in the night, Arnold croffed the river St. Lawrence, and landed at Wolf's Cove with the greatest part of his force. On the 14th 2 body of men appeared on the plains of Abraham, within 800 yards of the walls, and huzza'd thrice; we answered them with three chears, and fired fome grape-shot among them; they did not wait for a fecond falute.

On the 19th, to the unspeakable joy of the garrison, General Carleton arrived from Montreal, in the Fell armed ship, in company with an armed schooner; at this time the rebels had retired to Pointe aux Trembles, seven leagues above Quebec; we saw our safety in his presence. On the 22d a most acceptable Proclamation was issued by General Carleton, which commanded all persons not willing to defend the town to the last to depart in four days.

We had rank rebels in our militia

at that time; this Proclamation, to agreeable to the friends of Government and good order, gave them much strength; from that moment good things were augured.

When the rebels appeared before the town, the strength of the garrison

was as follows:

Colonel M'Lean with his Royal emigrants, and Capt. Owen's fuzileers — 200
British militia — 500
Canadian militia — 480
Seamen on shore with Captain M'Kenzie — 24
Recruits, emigrants from Newfoundland — 90

Number in garrison 14th Nov. 1126

32

Artificers from Newfoundland

Many people about this time recollected with regret, the inflammatory language they had used, at the public meetings called to confult about measures to procure a repeal of the Quebec Act. After having drawn the most hideous pictures of the distresses that would be entailed on the Canadians and their posterity, could they wonder that these people would not oppose their New-England friends, who had come with an avowed intention to give them freedom, by forcing a repeal of that Act which was to render them the most miserable abject flaves.

The agents for the Congress saw with joy the dispositions of the Canadians; they saw that no opposition would be made by the natives of Canada to any measures the Coagress should think sit to adopt to get possession of the country. The King's enemies here represented Canada as an easy conquest, and gave it as their opinion, that a handful of brave men, sighting for liberty, would be sufficient. They made uncommon efforts in the most severe season. The attachment of the besieged to the King and his Govern-

ment

ment makes us firong within the walls; fuch men, under fuch a General, will do much.

State of the garrison of Quebec on the first of December.

70 Royal fuzileers.

230 Royal emigrants.

22 Of the artillery, fireworkers, &c.

330 British militia.

543 Canadians.

400 Seamen.

50 Masters and mates of vessels,

35 Marines.

120 Artificers.

1800 Men bearing arms.

The number of fouls within the walls computed at five thousand,

There is plenty of provisions for eight months. Fire-wood, hay, and oats are scarce.

December 1, 1775. The country is covered with fnow a foot deep. Wind S. W. raw weather, with showers of snow. The Hunter sloop and the Fell armed vessel came down from Richlieu, and were laid up. Reported that 50 of the rebels are lodged at Mount's (a tavern, a mile west of the town); fired some well directed shot, and dislodged them. Clear weather this evening.

2d. Cloudy; wind at S. W. much

floating ice in the river.

Yesterday a habitant of Lorette was drummed out of town, for having industriously made disheartening reports concerning the strength of the rebels, and for advancing ridiculous untruths, to instil fear into the minds of the lower class.

Arnold's party, which traverfed the woods, were clad in canvas frocks; it was faid in the country that they were vetu en toile;—the word toile was changed to tole, and the peasants trembled at the approach of men cased in sheet-iron.

The rebels are cantoned from La Pointe aux Trembles to Old Lorette, and parties of them four the roads to town to prevent provisions getting in. The babitants, as we call the peafants, feem to be a dastardly set; if it is not cowardice that prevents them from insisting on going to market, it is a worse motive.—Would they but frown on the rebels, they would return from whence they came; but it is said that they receive them with open arms, and call them nos pauvres freres; they will see their folly when too late to repair the mischiefs their pauvres freres will have done to them.

The rebels have prevented a good many supplies from coming up by water from below; and the people of La Pointe à la Caille have unloaded some crast destined for Quebec. This shews the disposition of the lower parishes.

3d. Rainy fleeting morning, wind N. E. Afternoon, S. W. clear air, freezing. Many people heard guns at a distance. Some peasants say, "that there is 4500 rebels at Pointe aux Trembles—some came by water, and some by land, and that they have many cannon.—They say that Mr. Montgomery heads them."

4th. Wind at W. to-day—it froze hard in the night—the rebels are lodged in every house near the walls. Jeremiah Duggan, formerly a hair-dresser in this place, has the command of 500 Canadians under the title of

Major.

5/b. Last night Jerem. Duggan entered the suburbs of St. Roc with a strong party; many Canadians enrolled in the militia were disarmed by him.

Duggan, to ferve his own purposes, has reported that we are not on our guard; that we may easily be surprised; for that he had laid his ear to Palace-gate, and walked from thence to the Carvotree without having been challenged.—It is impossible, for our fenties are very vigilant.—Cold to-day. A foldier of the British militia was tried by a Regimental Court-martial, charged by a Serjeant B 2 for

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for refusing to do his duty.——Ac-

quitted.

Fired several shot at a house about 1200 yards from the walls, behind which (it was said) the enemy were eresting a battery.

We get much false intelligence: our situation admits not of sending

out parties of observation.

6th. Wind S. W. cold and cloudy. In the afternoon came to Palace Coate from St. Roc, a woman, who gave information that many of the rebels were drunk at her house: she was told to inform such at chose to come in, that they should be well treated; four of them came in towards night. Small parties of rislemen came near our walls, concealing themselves behind old walls and houses in St. Roc, firing at our sentres; we popped at one another all day without hurt on either side.

7th, Wind easterly—cloudy wea-The deserters report, that " Mr. Montgomery heads 2000 rebels, 500 of whom are Canadians.— Head-quarters Holland-house, two miles from town.—Detachments foread all around, to prevent any person from getting to us. They are to cannonade and bombard us; and after harrassing us in this way for some days, they are to make a general affault, and take us. One of the deserters served formerly in the Royal Americans: he was heard to fay, that he knew the strength of Quebec, and that it would not be an easy matter to scale our walls. His officer, after a volley of injurious words for endeavouring to dishearten the men, used him otherwise ill: this determined him to hasten his desertion, which he had before premeditated. fays he is no Yankey, but a native of good old Ireland.

8tb. There fell above fix inches of fnow last night; to-day the wind is S. W. the weather clear and cold—Ristemen firing as usual on our sentries.—Mr. Montgomery visited Metries.—Mr. Montgomery visited Metries.—

nuts to-day; a few minutes after he got out of the Cariole, a cannon-ball from the walls killed his horse.

oth. Wind at West; pleasant, sunshine, mild. Various are the reports of the enemy's strength; we gather, however, that there may be about 1500 men; we do not count the Canadian rebels; every Englishman in town looks on them as cyphers; they are only to be dreaded in case they get the upper hand; if they do, it will be from no exertion of bravery on their side. It is said the smallpox is among them—a fatal disorder in an American constitution; it has long raged in town.

10th. Wind N. E. cloudy and very cold. About two o'clock this morning we were bombarded from St. Roc; twenty-eight small shells were thrown into town, without doing further damage than hurting the roofs of fome houses. Three-fourths of the town had great dread of shells until now, even the women laugh at them. At day-light we discovered a fascine battery on an eminence, about 8000 yards to the S. W. of St. John's gate; we fired many shot through it. As some of the roofs of the houses in the suburbs of St. John's intercepted our view of the enemy's works, we

fet fire to these houses.

rain; in the night 43 shells were thrown into town without hurting a foul. By the appearance of their battery this morning, they have been hard at work last night; their ristemen kept a constant siring on our fentries.

About mid-day the wind chopped about to S. W. it blew a hurricane; in half an hour the streets and ramparts were one continued sheet of ice.

hard. Forty shells from the rebels last night. The ristemen were very busy in the suburbs of St. John and St. Roc, firing on every one who showed his head on the walls—we had

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one man shot through the heart. We returned their fire briskly, when we could discover any thing to fire at.

13th, Wind at W. foft fine weather.—Three shells thrown into town last night damaged two roofs. It is reported that the rebels intend to build a battery at Point Levy, to play on the town from that quarter, and that a body of men is lodged in a house on the opposite beach. We fired a nine-pounder from the King's wharf; the ball went through the house; a number of men run out, and made the best of their way up the hill; they discharged a volley from their musquets; the distance is near 1200 yards.

Skulking riflemen in St. Roc watching behind walls to kill our fentries—Soldiers, indeed!—Some of them fired from the cupola of the Intendant's Palace; we brought a nine-pounder to answer them.

We think four of the rebels have been killed to-day, and some wounded: we saw them carry off bodies in sleighs.

Our shells and 32 lb. shot annoyed those who were at work on their batteries.

14th. No shells thrown into town last night—some snow fell—mild low'ring weather—wind at W. We fent many shots through their battery to-day. At mid-day it was opened with five cannon, six, nine, and twelve-pounders: their shot made no impression on our walls, and no manner of hurt was done in town.

15th. Mild weather with easterly wind. Every thing remained very quiet last night; they gave us a shot now and then from their battery. About nine o'clock two men in blanket coats, with a drummer before them, approached the walls; they carried a bit of white linen on the end of a stick: we allowed them to come near; they told our sentry that they wanted admittance into town, having letters for the Governor. A

message was sent to the General; his Excellency answered, that they could not be admitted, neither would he receive any letter from them; that he would have no kind of parlé or communication with rebels. They went off saying, "Then let him be answerable for all the consequences that may arrive in future."

Towards evening they began to fire again from their battery—there was no firing in the night, nor did they throw any shells. We kept up a very hot fire on their battery today; we can perceive that the fa-

scines are cut to atoms.

16th. A fine mild day with a S. W. wind. They have not fired from their battery this morning; we imagine we may have disabled some of their guns.

Afternoon. They open on us again with three guns; they threw some small shells into town; we had three men wounded to-day from a garret window in St. Roc; we threw some

shells into St. Roc.

17th. It blew hard and snowed in the night, with an easterly wind, dark and cold. About four o'clock this morning, a fentry behind the artillery barracks alarmed the guard at Palace-gate; he averred that he had feen above fix hundred men in the streets of St. Roc-the drums were ordered to beat to arms; every man made haste to his alarm-post, and there remained until day-light, but no enemy appeared to attack us.-They must be alert indeed if they take us by furprise; the voluntary picquets in the upper and in the lower towns are very strong. No firing from the enemy's battery to-day.

18th. Wind at S. with snow, and a mild air. Some shells were thrown in to-day, and we threw some into St. Roc's: very sew of the enemy seen any where to-day. A man was shot through the head from St. Roc; would it were destroyed; it serves as

a secure cover to the rebels.

19tb.

19th. Last night our shells set fire to St. Roc, and burnt four houses—mild weather, wind at S. with snow. We fired on some men skulking among the houses in St. John's suburbs at dark; they fire at random wherever they hear a noise on the ramparts.

Afternoon. Wind S. W.-cold

weather.

2016. Wind very cold at west: nothing remarkable happened to-day. In such weather one's sinews are stiff with cold, every sense is benumbed: it is impossible to accomplish any defign where activity is requisite.

The people in town put a threat in Mr. Montgomery's mouth; it is faid that he told his men, that he will dine in Quebec, or in Hell, on Christmas-day. We are determined, says every body, that he shall not dine here, unless he is a prisoner among us.

A Quebecer, a prifoner with the rebels, found means to convey a letter into town:—he writes, "that the Canadian rebels leave Mr. Montgomery very fast, and that his own people are quite tired of the expedition." Not so in town, there's a very conspicuous martial spirit among us; if they attack us, we will make a brave defence; so we think the quantity of ice and snow lying in the way leading to what we reckoned the weakest places, renders them at prefent exceeding strong.

fent exceeding firong. 21ft. Wind W. N. W. excessively cold. Nothing has happened worth

noting.

cold. Colonel Caldwell's clerk, who has been a prisoner with the rebels for some days, escaped from them, and brought a deserter along with him.

23d. Cold in the morning; at noon very mild, with a S. W. wind. Col. Caldwell's clerk reports, that the rebels are to florm the town this night. He has hitherto found it difficult to infil, a certain foldier-like brevery into his raw troops, al-

though they are larded with Europeans—although he has promised them plunder to the amount of 800 dollars each man. The people from the old countries fay the Americans should lead; the Americans cede that honour to the Europeans. They have 500 scaling-ladders prepared; they are made in a very clumsy manner."

How can they think to pass the ditch, weighed down with such burthens, and wading in snow in the face of our fire! They report the enemy to be about 2000, sickly;—the small-pox is among them. A man of ours killed from St. Roc to-day.

24th. Cloudy weather, wind N. E. Above a thousand men were under arms, expecting an attack in consequence of the clerk's report, but every thing remained quiet. A deserter (formerly of the 28th regiment) came towards St. John's gate, fired his musquet in the air, clubbed it, and begged to be let in—ropes were let down, and he was pulled up. He says the intended attack is deferred on account of Mr. Wolf, the clerk, his escape, and that they will attempt to storm us to-night, if his escape does not prevent them.

25th. Mild day, wind at S. W.-Last night every thing was remarkably quiet. Many fignals by fire were feen all over the country-we fuppose from guard to guard. thirds of the garrison lay on their arms, expecting, and ardently wishing for the long threatened attack; but day-light came, and no attack was made. --- It is faid, that the rebels offer paper money to the peafants, who decline taking it before Quebec is in their hands. General Carleton, and fuch gentlemen in the upper town as are not on duty, fleep at the Recollects in their cloaths. the lower town also they have a like voluntary picquet.

26th. Inst night was clear, and inconceivably cold; the wind is N. W.

to-day,

to-day, freezing beyond expression. No man can handle his arms in this weather, nor is it possible to scale walls.

27th. Hazy cloudy night, the last, the wind at W. N. W. this morning with fnow.

28th. The weather was clear and mild in the night. The wind is foft

at S. W. to-day.

29th. Last night the weather was clear, -no alarm: this morning is ferene, with funshine-we get no intelligence from the country. We perceive the rebels croffing the far end of the street, west in St. Roc, three and four at a time; many of them have the uniform of the 8th and

26th regiments.

30th. Wind westerly, very mild. In the night a deferter came in from the rebels; he reports, that " the army under Mr. Montgomery amounts to between two and three thousand men, including Canadians; that they have been newly cloathed, and are most plentifully supplied by the country people, who are paid in hard money. They have got shells lately from Montreal. The small-pox rages among them. The whole army was affembled at head-quarters, by the General's orders lately:—it was given out that they were to attack the town that night. Mr. Montgomery made a speech to them; he thanked them for the noble spirit they had hitherto shewn, and the zeal they had discovered in the glorious cause of liberty. He informed them that some circumstances had made it necessary to put off the attack for that night, but that he would foon ask them to follow him to an easy conquest. The Americans expressed an ardent desire to proceed immediately." The deferter's own opinion is, that they will flinch whenever they come within reach of our guns. He " fays all the old country people wish to be at

home; they are not at all fond of attacking the town; they wish not to be aiding in diffressing their countrymen; they did imagine they were to attack a parcel of Canadian flaves. professed enemies of the colonists."

They threw thirty shells into town. one third of them did not burit, the rest did no damage. He warns us to be on our guard, for that we shall be

attacked the first dark night.

31st. About four o'clock this morning, Captain Malcolm Fraser. of Colonel Maclean's regiment, in going his rounds, perceived fignals not far from St. John's-gate; and finding the weather fuch as the enemy wished for, by the last deserter's report, he alarmed the guards and picquets, who flood to their arms; all the sentries between Cape Diamond and Palace-gate faw many and repeated flashes like lightning; on the heighths of Abraham lights like lanthorns were placed on poles at regular distances. Two rockets were thrown up from the foot of Cape Diamond, and immediately a hot fire was kept up on those who lined the walls at that place, and a body of men were seen in St. John's suburbs; from the flashes of the enemy's firing we perceived they were hid behind a bank of mow; however we returned their fire, directed by their flashes: during this sharp musquetry, the drums were beating to arms, the bells rang the alarm, and in less than ten minutes, every man in the garrison was under arms at his alarmpost; even old men upwards of 70 were feen forward to oppose the re-Colonel Maclean detached a party of the British militia, under Colonel Caldwell, to reinforce Cape Diamond; there he was to make the disposition of the men, and return to the parade.

Mr. Montgomery, with 900 of the best men attacked at Pres de Ville,

A frong post at the southern extremity of the Lower Town.

and Arnold, with 700 chosen fellows. attacked at * Saut au Matelot. attack at Cape Diamond, the parade of men (Canadians it is faid) near St. John's-gate, with a bombardment from St. Roc's, were intended to draw off our attention from the Lower Town, where the rebels were to make the real attacks.

Our guard at Pres de Ville had feen the flashes, every man was posted before the alarm was given; the gunners, with lighted matches, waited for the word of command. Captain Barnsfair, who commanded the battery, coolly waited the near approach of the enemy; he saw a group advancing; they stopped within 50 yards of our guns; there they feemed in consultation; at last they rushed forward to their destruction, for our grape-shot mowed them down; groans and cries were heard, but not a foul was to be feen; however, we kept fweeping the road with our guns and musquetry for some time. At the other end of the town Mr. Arnold was wounded in the leg, in passing the picquets behind the Hotel Dieu, from whence a shower of balls was poured on his party in their way to the Saut au Matelot; he was fent disabled to the General Hospital: the officers under him forced our guard, and made us retreat to a barrier about two hundred yards nearer the center of the Lower Town; there we made a stand, returning a brisk fire, which the enemy, under cover of houses, poured on us.

General Carleton, experienced in military affairs, faw the advantage the rebels gave us over them; he improved it, and fent Captain Laws out at Palace-gate, with a detachment of the troops to take the enemy in rear; and Colonel Maclean ordered Captain Macdougal to support him with a party, and to keep possession of the post we had abandoned.

Major Nairne of the Royal Emigrants, and Monfieur Dembourges of the same corps, by their gallant behaviour attracted the notice of every body. The General ordered them. with a strong detachment to the support of those already engaged in the Lower Town. These two gentlemen mounted by ladders, and took poffession of a house with fixed bayonets, which the rebels had already entered. and thus secured a post which overlooked a strong battery on Lymburners wharf, and commanded a prin-

cipal street.

The regular troops, the militia, the feamen, in short, every person bearing arms marched chearfully, led on by their officers. They placed the greatest considence in the General's knowledge, and they advanced fecure of victory. Colonel Maclean, the fecond in command, with that coolness which distinguishes the good foldier, had his eye every where, to prevent the progress of the attackers; his indefatigability since he arrived in Quebec merits much praise; no man could do more for the good of the fervice; every power of his was exerted, especially on this day. Colonel Caldwell took infinite pains with the British militia; by his good example he made that corps emulous to appear where danger made their presence most necessary.

The seamen were under the strictest discipline; Colonel Hamilton and Major M'Kenzie headed the brave fellows, who behaved as they do on all occasions, like British tars. The handful of Royal Fuzileers, commanded by Captain Owen, distinguished themselves, and the Royal Emigrants behaved like veterans: The French militia shewed no backwardness; a handful of them stood the last at Saut au Matelot; overcome by numbers, they were obliged

to retreat to the barrier.

^{*} A battery and guard-house at the northern extremity of the Lower Town.

As the General had foreseen the sartée, made the victory ours, we hemmed the rebels in on all sides: they called for quarter, and we made prisoners,

1 Lieutenant-colonel, 2 Majors,

8 Captains, 15 Lieutenants,

not wounded.

1 Adjutant,
1 Quarter-master,
4 Volunteers.

350 Rank and file,

44 Officers and foldiers, wounded.

426 taken.

The flower of the rebel army fell into our hands; we have reason to think that a great number were killed and wounded.

The prisoners say, that if Mr. Montgomery had attacked with the expected resolution we should have soft the Lower Town. Little know they of the situation of Pres de Ville; after the Lower Town is taken, it remains commanded by the Upper Town.

Liberty or Death, was wrote on flips of paper, and pinned to their

We lost Captain Anderson, formerly a Lieutenant in the navy; 5 private killed, and two private wounded.

We took at St. Roc's two brass three-pounders, two royals, three howitzers, and some small shells.

January 1st, 1776. A very great snow fell last night; the whole garrison lay on their arms, but every thing remained quiet. The bodies that lay outside of Pres de Ville were brought in, thirteen in number, Two deserters from the enemy today, report that Mr. Montgomery is missing; the dead bodies have been examined, and his, McPherson's (his Aid-de-camp) and Captain Cheeseman's, are found amongst them. Monsieur Lamaudiere was ordered to Vol. VI.

accompany Mr. Meigs, one of the prifoners called Major, to the head-quarters of the enemy, to demand the cloaths, &c. of these unfortunate men; but by hints given to him by some Canadians at the end of St. Roc, he thought it prudent to return to town. The whole force of the rebels was collected between their advanced guardhouse and Menuts. Many Canadians had joined them in hopes of plunder. A genteel cossin is ordered by the Lieutenant governor for the body of Mr. Montgomety.

zd. All the last night an incessant fire was kept up from our walls on the rebels at the end of St. Roc.

The people of Beauport and the adjacent parishes actually believed that the Lower Town was in possession of the rebels. A volunteer comes from thence over the ice to Saut au Matelot; he was amazed to find himself made a prisoner. Mr. Meigs went out to-day on his parole to setch in the prisoners baggage, &c.

3d Soft cloudy weather. Shot and shells thrown into St. Roc's. Many of the prisoners, officers and men,

have been inoculated.

4th. There was no diffurbance in the night.—Soft drizzly weather today, wind at S. W. Captain Anderson buried with all the honours of war, Mr. Montgomery interred privately.

516. Wind S, W. with a great thaw. Making additions to the works at Sant au Matelot. Firing heard towards St. Foix. Mr. Meiga returned with the baggage in part.

6th. Wind N. W. It began to freeze early this morning—as the fun

rofe the cold encreased,

7th, Wind at W. very cold, We found some of the St. Roc people shulking there to-day; they are confined on suspicion of having been aiding and assisting the rebels.

It is reported in town, that the country people were told, the day after the attack, that the Royalifts were

C beaten

bea'en out of the Lower Town, 600 of us had been killed, and that they had lost but 15 men, and that General Montgomery was gone through the woods to Boston for a reinforcement.

Ninety-four of the prifoners, all Europeans have petitioned to be enlisted in Colonel Maclean's corps of

Royal emigrants.

8th. Wind at N, E. cloudy, raw, blowing weather. The ninety-four men who petitioned to be enlisted into his Majesty's service, say that their engagements with the rebel party ended on the 31st of December. Before they were fuffered to take the oath, they were told, that if they had determined to enlift only to procure liberty, they were wrong, and if they now repented of their intention, they should nevertheless be well treated: they all faid they would ferve the King until the first of June, and they took the oaths accordingly. Some people think that they will all run away.

9th. Wind N. E. foft snowy weather. There fell a very great quantity of snow before the morning.

Last night a great many stashes were seen; the guards, on that account, were doubly watchful, as an attack was apprehended. They chose to attack us the first time, in like weather; the snow drifted much; many people walked in the streets this morning on snow shoes, and some folks dug themselves out of their houses, the snow having filled up their doors.

and very clear. It drifted in the afternoon, encreasing so as to fill the streets. Last night rockets were thrown at the General Hospital, St. Foix, Beauport, and round to St. Roc. Some stragglers fired from the houses in St. Roc on our fentries. A great gun which bore that way sent

them off.

Two Recollets conducted to Point

Levy some Canadians who had sound means to get into town after the 31st of December. They were let loose to tell their own story concerning our strength, and the good condition of our works.

12th. Wind S. W. fine morning; afternoon dirty; nothing remarkable.

13th. Bad weather last night. Palace-gate was opened, and a party went out to cover the people who went in quest of fire-wood; a great quantity was brought in to-day. About nine o'clock at night, false fires were seen at the end of St. Roc.

14th. Nothing extraordinary happened the last night. The wind is at W. to-day; the cold excessive. Some people think they have discovered a fascine battery at the end of the Ge-

neral Hospital.

15th. It froze very hard last night; wind S. W. to-day, blowing, dristing, cold weather. A report (which cannot be traced) prevails in town. The people of Montreal refused to comply with some oppressive order which their new masters had issued; and that the Canadians had resused to march with Mr. Woosser to Quebec, after they had heard of Mr. Montgomery's death; and the deseat of the rebels.

16th. It froze hard in the night; a noise of hatchets heard in St Roc. A fine mild day. The archives brought in from the vaults in the In-

tendant's Palace to-day.

17th. Wind N. E. mild and fnowy, A French girl of the town, who had been confined by the rebels, on suspicion that she conveyed intelligence to Quebec, found means to make her escape from them: she says, that "two hundred of them have deserted since their deseat, and that they talk of making a second attack with 4000 men."

We imagine that they cannot have above 800 remaining, confidering how many we have taken, the number killed, and the numbers that have

left

left them. If they depend on the habitants they trust to a rotten support—we in town count the peafants as nought on the fides of the rebels. The girl informs us, that the Canadians whom the Recollets landed at Point Levy had got to the rebels camp.

18th. Wind S. W. but cold.

In honour of her Majesty, our graoious Queen, a royal salute was fired round the ramparts.

Palace-gate was opened, and much

wood was got in from St. Roc.

A mill wrought by horses was set a going to-day. It makes excellent flower, and grinds three bushel per

19th. Cold clear westerly wind.

Mr. Motte, a Captain in the rebel army, escorted five baggage sleighs to Palace-gate; he had in his hand what they call a flag of truce, a handkerchief, or any thing white, tied to a short stick, held up to prevent firing: he brought fome money to the prisoners.

- About nine o'clock at night we perceived a house in St. Roc on fire; burnt to the ground; we know not if it took by accident, or was set on

fire by the rebels.

20th. Wind S. W. with showers of foft fnow. The enemy's advanced guard-house, at the end of St. Roc, is fituated at the foot of a high steep bank; it is covered by many houses; we threw shells, and fired many shot at it to-day; we saw a number of them take place; fix houses were burnt in St. Roc last night; they were fet on fire at ten at night; there is now no doubt but the rebels burn

21A. Wind S. W. mild with snow. Three of the late engaged men deferted last night. If their report to the rebels shall be just, they will have but little defire to attack us a second

About ten o'clock at night, a small floop, that lay within 300 yards of

Palace-gate, was feen in a blaze: many small craft lay near her, but no further damage was done. There is at least six sentries who have that spot in view, but it is impossible to discover a fingle person crawling along on hands and feet; this is their method; they fire a flow match placed among combustibles, and crawl away again.

We got in a great deal of wood

to-day.

224. Wind N. E. drifty, cloudy, not cold. About two this morning some houses in St. Roc were set on

A quantity of rum and molasses has lain in Mr. Drummond's distillery until now; part of it was got in to-day -the fire may spread that way.

23d. S. W. wind, mild weather. The covering party had a brass fieldpiece out to-day; much fire-wood. was brought in; 14 houses were confumed by fire in St. Roc; the great blaze gave light in every street and narrow alley in town—the reflection of the fire on the clouds, loaded with fnow, communicated an orange colour to the inow on the tops of the houses. The stillness of the night. and the crackling of the fire, made the scene pleasingly awful. To look into the country, there hung a majestic gloom over all the adjacent vil.

The rebels are doing what we fhould have long fince done; but the General was averse to hurt individuals; he endeavoured to fave the property of the poor people of St. They think if these houses are burnt, we must jurrender for want of wood; but if they confider how many wooden buildings are in town, they would fee how vain that hope is.

24th. Mild fine weather, wind S. W. Firing at the guard-house in St. Roc. Rum and molasses brought

into town.

A guard of 18 men, posted in a house in St. Roc, near Palace-gate; this guard is to be continued every night, night, to prevent these burning parties from passing towards the Canotree. Houses burns at the west end of St. Roc.

2516. Wind S. W. clear and mild weather. A firong covering party, with a brafs field-piece, a fix-pounder,

protected the wood cutters.

General Carleton reconneitred at the end of St. Roc; he advanced, with Colonel Maclean attending him, within a musquet-shot of the enemy's guard-house; we know not his intention, but we imagine, that if the wheels of the field piece had not funk in the fnow, a good account had been given of their guard-house-the rebels kept close-we faw three small parties, from ten to fourteen in each, advancing from Menut's and the General Hospital; they joined their guard, and there shut themselves up. Our shot and shells from town di-Rurbed them not a little.

To-day, and for many days past, we have seen numbers of steighs pass on the ice from Orleans towards the Canardiere, leaded. We suppose they carry provisions to the magazines. There was a vessel driven on shore on Orleans last fall, leaded with rum and melasses; perhaps they are

carrying her cargo off.

20th. Easterly wind, with a little snow, mild air, heavy sky. A resport prevails to-day, that Mr. Dumont, who lest the town to be safe in the country, was plundered at Charlebourg; it is not said whether by Canadian or New-England rebelsed and it is added that one Larche, who forsook his house in St. Roc, was killed defending his property from the like attempts at Beauport.

27th. Wind S. W. very cold. The party covering the wood-cutters have a brass field-piece, fixed on runners.

28th. Wind S. W. excessively cold;

nothing remarkable.

2918. Wind west, clear and inintensely cold. It froze exceedingly hard last night; if this weather continues but a few days, it is to be feared that the river will freeze up, an event that would double our duty, as foldiers, as frong guards, in that case, must be placed in many parts of the Lower Town.

301b. Easterly and cold morning. High wind, with snow in the evening, weather milder. Some houses

west end of St. Roc burnt.

31A. East wind, dark and soft.—
Getting wood in to-day—four men on snow shoes fired on our party at a great distance; as soon as they saw the stash of a gun from our walls, they tumbled down in the snow, got up and made off in great haste.—
Houses west end of St. Roc on fire at nine at right.

February 1. Cold, blowing, with drift. A few men, from their guard-house, fixed on our wood party; we returned their fire; we were at too great distance to hurt each other.

An English woman had leave torjoin her husband in the country; the rebels stopped her, and made her return; she saw no one at their guardhouse who spoke English.

ad. Clear and cold, with 2 west wind. Wood got in to-day; in the night, a house quite at the N. W.

end of St. Roc was burnt.

3d. Wind W. excessively cold. A covered wood party out. Some of the rebels covered by sences, &c. siring on our men; a shell sent towards their guard-house made them retire precipitately. In the night, a small party of the enemy were discovered stealing cautionsly along, close to the walls of the houses in St. Roc, in the design, no doubt, to pass our out-guard, and fire the houses beyond them. The eagerness of the out-picquet to surround them made them appear to some, and the rebels scampered away.

4th. Wind W. clear and cold. By the appearance of the river, it is probable that it is frozen over at the

Claudiere, fix miles above.

5th.

5th. Wind W. milder than yefterday, with fqualls, a circumstance against the freezing over of the river.

6th. Wind high at W. with drift. Three of Colonel Maclean's new recruits deferted last night. They dropped themselves over the wall behind the artillery barracks, there is a bank of soft snow facing a declivity of 30 feet to the street below—they slid down the face of that steep into St. Roc. If the sentry had done his duty, who was posted not thirty feet from the place they dropped from, they could not have escaped; three of the same people are consined for hinting their intention to follow them.

71b. Wind S. W. clear and cold. Last night we discovered fire at the west end of St. John's suburbs, three bouses were there consumed. There is a great quantity of cord wood that we may easily get from thence. The enemy's old battery commands these suburbs; some people say they saw light in it last night, and armed men at the end of St. John's; our guns command that street.

8th. The night was quiet. The morning is soft and clear. Little or no wood to be found now in St. Roc's; the snow covers the picquets. Three men were seen on the ice bending their course townward, a party from Beauport, on snow shoes, intercepted them, and carried them along with them.

Major Nairne, with 30 men, guarded St. John's suburbs last night.

oth. A heavy wind at N. E. with much snow; the storm hourly increased until evening, it blew a mere hurricano—nobody could hold his face against it a minute. A sailor is missing; if he attempted to desert, he must be lost in the snow; in spring he may be found under the snow in the street; in some places it has drifted 20 feet high.

10th. Wind fill at N. E. and very little moderated; the streets are absolutely impassable in many places without fnow shoes. The first stories of many houses are under the snow; the windows of the second level with the street, and serve as doors. About eight at night the wind sell suddenly and it ceased snowing.

111b. Cold westerly wind. man [the new recruits called him Captain Felton] carrying a white napkin on a stick, was allowed to come close under the angle at the twogun battery; being asked what he wanted, he said " he had letters from Mr. Abbot and Mr. Schaulk of the Royal Artillery for Carleton;" the sentry told him, that the Governor should be informed of his message. Colonel Maclean was sent to tell him to return as he came; for that no letters nor message could be received through that channel, and he was ordered never to attempt a parlé of this nature for the future.

121b. Wind S. W. a fine moderate day; great working parties employed in clearing the ditch and ramparts of fnow; one could walk through the embrasures into the ditch on snow shoes, although the foot of the wall is in these places 30 feet below the guns, which lay entirely buried.

13th. A fine moderate day. All the officers and men off duty are on fatigue to day. Above a hundred of the prisoners are sent fick to the hospital.

1416. Wind at S. W. with fine weather. Eighty loaded fleighs paffing towards Menut's. Two field. pieces placed at the door—people paf. fing and repassing between that house and the General Hospital. Some of our shot went through Menut's house: we fired a long time at that object. at last we perceived a man coming towards the town in a cariole, carrying the old fignal; he passed their guard-house, and waved with his handkerchief; we took no notice of him, but fired away at Menut's; he turned about and went back. Thefe people have been repeatedly told not to prefume to approach on any pretence whatfoever. Perhaps they find Menut's too hot for them, and wished to remove somebody or something from thence, and, in hopes of amusing us, sent this man with his slag.

Three of the Royal emigrants are missing to-day; two of them are of the first raised, the other is a new re-

cruit.

There has been a great stir among the rebels within these sour and twenty hours; three huzzas were dissinctly heard last night from about the General Hospital. This afternoon near a hundred people were seen at a house a little more than a mile from St. John's-gate; some have been seen in their old battery to-day. It is imagined that they intend to set fire to St. John's suburbs.

It is supposed by some that they have been reinforced from Montreal. May be they have had accounts of a strong reinforcement by way of the Lakes, and the news has been received with three chears; but if they wait for reinforcement by way of the Lakes, they will remain too long near Quebec for their safety; but we

shall see.

15th. A dark lowering morning, with a cold wind at N. E. The sentries on the walls discovered light on both sides of the street, in St. John's suburbs; a little while after, the slames burst out at the windows, and six houses were consumed; we fired some random shot among the houses; not a soul was to be seen.

16th. Wind westerly, a fine day and mild; a very numerous party clearing away the snow from the foot of the wall near Cape Diamond; even after this day's labour, ladders of 14 feet would reach from the top of the bank of snow to the embrasures in some places. About ten o'clock last night the rebels set fire to two vessels lying on the beach at St. Roc, and also to a house in St. John's suburbs, but neither burnt. In the evening a twelve pound shot from the rebels sell in St. Louis-street, some say from the

old battery, others think from a guard-house west of St. John's su-burbs.

Six of the rebel prisoners, who were at their earnest request incorporated with Colonel Maclean's corps, deserted last night; the remaining 84 were put under close confinement. We took them rebels, and their inclination is to join their party; it is hard on those who wish well to our cause, but as we cannot see their hearts, self-preservation dictates to confine them.

Some people have been seen on the old battery to-day; a man in green (supposed to be a deserter from us) was observed pointing towards the walls at Cape Diamond.

A volunteer picquet is established

at the Recollets.

17th. Westerly wind, a little cold, with fine clear weather; some well directed shot fired at Menut's.

The extra picquet is ordered to assemble at Mr. Collins's and Mr. Drummond's, being much nearer the ramparts than the Recollets. A smoak seen in the chimney of Dr. Mabane's country-house, a mile and half from the walls. No signs of people have been seen there since December last. We fired some thirty-two pound shot, which went over all.

18th. Exceeding cold westerly wind. Nothing remarkable happened last night. A few random shot fired into St. John's suburbs.

About ten o'clock this night the fuburbs was fet on fire by the rebels, and feven houses were consumed; some musquets were fired at our sentries; they saw no body.

Menut's is a great rendezvous, probably it is head-quarters; there is a white flag flying on the house.

19th. Fine moderate weather, wind S. W. All the guns in the garrison were scaled to-day; there is 112 pieces on the walls, with mortars, royals, and howitzers.

The suburbs of St. John still on fire. 201b. Westerly wind, clear and cold.

At ten at night the house nearest to St. John's-gate but one was set on fire—nobody was seen, though the distance is not above 50 paces from our sentries on the walls. A great many houses were fired; the whole suburbs is now nearly consumed.

21st. A cloudy lowering mild morning, with westerly wind. About seven o'clock a party of 100 men, under Major Nairne, took post in St. John's suburbs, to prevent the remaining houses from being destroyed. In the forenoon twelve shot were fired from the enemy's guard-house west of St. John's suburbs; between that and the town, the ground rises to cover the houses, so that their guns must be highly elevated to throw shot over the walls,

Their old battery commands St. John's fuburbs; we faw two men on it to-day. If they had guns there, they would certainly fire on our parties.

Fired at their guard-house, and at Menut's; threw also some 10 and 13 inch shells well directed. Two men came from the Canardiere towards Saut au Matelot, they stood at some distance, seemingly afraid to advance; an officer was sent to condust them in, but by some missake our sentries fired on him, and these two men ran away. In the evening 110 men, under Colonel Caldwell, relieved Major Nairne, in St. John's suburbs.

- 22d. The weather was mild last night and very clear; the northern lights were equal to a moon; all was quiet. In the morning the wind got to the N. E. and brought cold. A great quantity of fire-wood was got in at St. John's gate to-day.

23d. West wind, lowering cold weather. About four this morning we heard the enemy's drums at Menut's, St. Foix, &c. Sentries saw rockets in the night. The picquet marched out at St. John's-gate before day-light, and took post to cover the wooding party for the day,

24th. Wind S. W. fine moderate weather. Last night a derserter from the rebels was drawn up by ropes at Port Louis. He reports that "General Clinton commands, and that he has had a reinforcement of 400 men from Montreal; very few are left at that place. A reinforcement of 3000, under General Lee, had been on their march to this place, but a fecond order obliged him to march to Long-Island to attack Governor Tryon, who was there entrenching himself with three or four thousand men, including Negroes; he fays some transports had arrived at New-York with foreign troops.

"General Schuyler had also received orders to march to Canada; he also had been countermanded, and ordered to attack Sir John Johnston, who was at the head of 500 men, with some Mohawk Indians, at Johnstown. Some small bodies of 20, 30, and 40, had arrived at Montreal, and that the Lakes were more passable on the ice than they had been at the same season for twenty years pass."

He has also told us, "That it is reported; n their camp, that it is the orders of the Congress to break the first officer who shall propose to storm Quebec; nevertheless 800 ladders are ordered to be made; they will be ready before the reinforcement arrives.

"A great many women and children (foldiers wives) perished in the snow, on their way over the Lakes. All the gentlemen who took arms under Governor Carleton, are ordered to deliver up their commissions; on resusal, they are to be sent prisoners to Hartsford; he says this is contrary to their capitulation. The friends of Government back of Pennsylvania had been beat by the rebels.

"Governor Dunmore's bell bounds had been let loose, and burned Norfolk and Williamsburg.

" Two

Two thousand men in South-Carolina in arms for Government.

"The rebels have got down 16 pieces of cannon, the heaviest 12

pounders.

Duggan, the barber, imagining that his fervices have not been rewarded, has gone for Philadelphia to lay his merits open to the Congress."

Wind at N. E. warm and

25th. Wind at N. E. warm and pleasant. The rebels threw fix shot, 12 pounders, into town, from their guard-house west of St. John's suburbs. A great quantity of sire-wood got in to-day.

Forty-nine men, with musquets and knapsacks, seen marching up on the Point Levy side, followed by many sleighs; all the country around

feems in motion.

26th. Wind N. E. dark fleety moderate weather. The whole garrifon lay on their arms last night expecting an attack; every thing in town remained quiet. By the continual and general barking of the dogs in the country, there certainly was some movement among the rebels. A man sent to Orleans, to return in three days.

About five o'clock this morning figmals feen in all the parifles round about. Two men came fo near the walls at Cape Diamond, as to be heard difficulty call, Good morrow, Gontlemen. Drums were heard, and a regular plateon firing, towards St. Poix.

Voices in the tone of hoising great weight were heard from behind the

rebels battery.

athorough thaw. Every thing remained very quiet last night. A Canadian came in at Saut au Matelot; he says he is but 13 days from Chambly. Colonel Maclean knew him there, and rewarded him for some fervices.

He is a well-wisher to Government; and willing to be of all the fervice in his power, he ventured to town to inform General Carleton, "that he had learnt that General Amherst was at New-York, with

10.000 men, from England.

"A person had been sent after Mr. Montgomery's death to take the command of the rebel army; he remained at Montreal only two days; he went off, declaring he would have nothing to do with men who had not kept faith with the Montrealists.

"Near 200 fleighs were fent over the Lakes early in January, to bring over the baggage of the expected reinforcement; after waiting near a month the sleighs returned with 160

men.

"The affair of the 31st of December lessend the number of the rebels 750; these who remain are astraid to remove, since the Canadians have threatened that they will cut them off in their retreat if they do not make a second attempt on the town.

"It was industriously reported in the country, immediately after the attack, that we had taken sixty Canadian prisoners, hanged them over the walls, and then threw their bodies into the ditch.

"They little knew the Canadians, if they imagined this treatment would

four them on to revenge.

"The Canadians patrole in all the roads leading to town, to prevent any person from getting in.

"General Amherst has summoned the Congress to deliver themselves up.

"Orders from the rebel General to the inhabitants round Quebec to provide quarters for 7000 men."

29th. High wind at S. W. with hard frost; every thing quiet last night. Armed men, with knapsacks, walking from Beauport to the Gene-

ral Hospital.

March 1. Cold N. W. wind. The voluntary picquet very strong last night. Some people seen on the other side St. Charles's river, opposite to Mr. Drummond's distillery; we fired the 24 pounder behind the Hotel Dieu

Dieu at them. About seven o'clock in the evening, a house under that gun was perceived to be on fire in the roof; it burnt in a short time to the ground; some think that the wadding fell on the roof, and that the wind blew it into a flame; others imagine the rebels may have fet it on fire, in hopes that the flames would fpread to the distillery, from thence to the picquets above, and fo to Montcalm's house, from thence the conflagration would become general.

2d. Towards the evening fix or feven musquets were fired on our out

sentries at St. Roc.

The man fent out the 26th has not yet returned; it is believed that he has been intercepted by the Canadian

patrole.

3d. West wind, clear and excesfively cold. The volunteer picquet will not confift of many while the moon lights us all the night. Between seven and eight in the evening, three of the Royal emigrants deserted; a party was fent to trace them in the fnow; they were too late.

4th. Last night we made signals at

Cape Diamond by rockets.

It thaws very much to-day; the wind is easterly!

A rocket at St. Levy was answered

by a gun at St. Foix.

A fatigue party cutting a deep ditch in the fnow, facing the curtain at Cape Diamond. In the evening we threw some fire-balls from a mortar; they gave a great light; a combustible composition was hung over the angle at Cape Diamond: it burned well, and threw great light around; when it was almost confumed, petards and hand-grenades, fixed at the bostom of the ball, scat--tered balls and fragments of iron all around.

51b. Strong wind at N. E. with a

heavy fky and cold rain.

flag flying at Lynd's Mill, and an- be drawn forth to public view, and Vol. VI.

suppose that it is in commemoration of the day on which a Boston mob committed many outrages; the magistrates were forced to call in the military to protect the civil power. and affift the peace officers to disperse the rioters. In the height of the scuffle, some people, perhaps the innocent, were unfortunately shot in the streets; that transaction is called the Bloody Massacre, and said to have been planned by a bloody Ministry.

It is the interest of a few of their demagogues to keep the minds of the people constantly inflamed; and, for this purpose, studied orations, addressed to the passions, are yearly pronounced in all that gloomy folemnity which pleases and feeds the melancholy of a true New-England Saint. Their pastors paint on the heated imagination of their canting flocks, the most dreadful pictures of ministerial tyranny. Children are taught that the only road to freedom in this world, and happiness in the next, is to oppose every power that shall pretend to controul them: " God gave the wilderness, by their blood they maintained their right, against the accursed of Heaven, the Indians, who pretended the land was theirs from the Creation of the world. God fought for them then; God fights for them now, and will overthrow the dominion of a wicked people, who would fain enflave them." This is their language to their children.

It is proposed to raise a company of invalids in town. The ailments of some people incapacitate them to mount guards; others, in perfect health, make complaints of indispofition, and fleep foundly in their beds while their friends watch.

Such as are ab e to bear arms, whose lazines (or whatever motive) more reprehensible) induces them to This merning we discovered a red fneak meanly from their duty, will other at St. Roc's guard-house; we ranked with the invalids; such people

will serve as sentries where there is no danger, since no manly feelings can stimulate them to do the duty of good soldiers, in conjunction with their fellow-citizens. But neither their attachment to his Majesty, nor the least sense of honour, can move such beings.

At night it hailed and rained. One of the prisoners in the Recollets was put under close confinement to-day for abusing the sentry over him, and for uttering many imprudent threats. "In a few days," said he, it will be my turn to stand sentry over you, and then I know how I will use you."

6tb. It rained in the night. The wind is S. W. and it rains still; there is no walking in the street, the risings are covered with ice, and in every hollow there is a pond of water.

7th. Wind S. W. variable weather. Every day that the weather permits the people to work, strong parties are employed cutting trenches in the snow, outside of the walls.

About 30 men have been seen about L'Ance de Mer carrying off boards and timber; a party of 20 went out to-day to reconnoitre; they saw a few at work, who ran away.

They say a man was killed on the heights to-day by a ball from one of our wall pieces. They saunter, three, four, or five at a time, within 4 or 500 yards of our walls. A discharge of grape-shot generally makes them scamper.

A fentry-box, fixed on a mast 30 feet high, was this day set up on the highest part of the ramparts at Cape Diamond; from thence we can see every thing that passes on the St. Foix

road, and all around us.

They hung out their red flag again to-day, near the St. Roc wind-mill; it is a squat blanket, bordered with black tape, and some people, frightened out of their senses, say, Mon Dieu, c'est la pavilion sanglante!

8eb. Wind at S. W. a mild morn-

ing. The small red slag, with the black border, is up to-day. About four o'clock this afternoon, a soolish sellow, one Robitaile, came in from Lorette: he knows nothing. It snews this evening.

At night, two men, Lamotte and Papinot, Canadians, crossed on the ice from the Island of Orleans. It was with much difficulty they passed the habitant patroles; they are anxiously careful to let nothing get to town. At every quarter of an hour they pass each other in bands, between the Point of Orleans and Beauport.

Lamotte is 11 days from Montreal, and only 30 days from New-York. He has lately been in New-England; the news he brings is very chearing to

the King's faithful subjects.

He reports that "the rebels had made a desperate attempt to storm Boston, in which they lost four thoufand men, the greatest part of which fell through the ice. The Colonists feem dispirited, recruits are raised with difficulty; he saw many of them on their way to Cambridge, fickly, and ill clad. The want of woollens is already feverely felt all over the Continent. The reinforcements for Canada assembled very slowly; between 400 and 500 have arrived at Montreal; few, or rather no more, are expected foon. A hundred, better appointed than the rest, marched to garrison Quebec; when they arrived at Montreal, and found that we were likely to continue masters of that strong hold, 60 of them went off, and 40 laid down their arms, declaring that they were willing to perform the fervice they engaged for, but that they would not ferve in any other capacity than guards for the city of Quebec.

"In a quarrel among the rebels, at Montreal, five were killed in the streets, and seven or eight sent wound-

ed to the hospital.

"The rebels are to florm the town

on the 15th of this month. Money is very scarce among them; the Canadians do not like their paper.

" Moses Haren (formerly a Captain of rangers, preferred by General Wolf for his bravery to command on scouting parties of any consequence) accepted of a Colonel's commission in the rebel army, though then a halfpay Lieutenant in the British army; he has raised 150 Canadian recruits. Edward Antil, who practifed ten or eleven years as a lawyer in this province, is his Lieutenant-colonel. John Welles, a merchant of Quebec, is Deputy Commissary-general, acts for Price, the Commissary, with Walker, the noted Justice, is gone to Philadelphia, to give evidence against Brigadier-general Prescot, accused before the Congress of burning Walker's house, and for confining him in irons. The gentlemen of the militia, who refused to give up their commissions, have been sent prisoners to Chambly, among whom are Monsieur Dufels, Monsieur Dupré, and Mr. Gray, Deputy Postmaster."

He heard nothing of the troops which Chabôt reported to have been

landed at New-York.

Our fentries on Cape Diamond hear working parties in the night about Wolf's-cove, or nearer; some people think they are building floating batteries and batteaux, to pass Pres de Ville, and set fire to the shipping in Cul de Sac, and in the confusion which a coup of that kind might occasion, come on the back of Pres de Ville and Saut au Matelot; or perhaps they are preparing platforms for the 16 guns they have got from above.

For fome days past we have seen many small parties marching and countermarching between Beauport and the General Hospital.

The men who have shrunk from duty this winter, were to-day paraded, 180 in number, 100 of whom were found very fit for service in case of an attack; they were enrolled, and armed, and put under the command of Captain Francis Joseph Cuonet. This morning before daylight, we saw many stashes, and heard reports of musquets on the ice, about half way between Beauport and the town: it is probable that some people endeavouring to get to town, have been discovered by the habitants patrole, pursued, and carried back.

9th. Wind to the northward of west, cold and clear. About two inches of light snow fell last night; the river is not very full of floating ice; the outermost vessels in Cul de Sac

have their sterns free.

People have been feen at the rebels battery to-day; a working party throwing up an ice bank to obstruct the enemy's approach to Lymburner's battery, in the Lower Town.

114 pieces of cannon on the wall to-day; none under fix-pounders are counted; there are number of small guns, grasshoppers, swivels, mortars, howitzers, and cohorns.

10th. Wind westerly, clear and cold. Picquets ordered to assemble

at retreat beating.

The drums beat to arms, and the bells rang the alarm about ten at night; the picquets were instantaneoufly fent to reinforce Cape Diamond. In a few minutes the parade was full of armed men, who impatiently waited for the word to march; but in less than a quarter of an hour they were ordered home again. alarm was given by our out-sentries at Cape Diamond; they faw a body of about 200 men advancing flowly up the hollow, from L'Ance de Mer towards the heights; on hearing a noife of voices on the ramparts, they halted. a minute, and filed off.

Some people suspected that the prifoners would be very troublesome on an alarm; both officers and men behaved very properly, they put out their lights, and went to bed.

D 2

11tb.

11th. Wind W. cold and clear. The General reviewed the British militia on the parade; their arms were found in excellent order.

A deep and wide trench was begun in the ice, from the corner of Lymburner's wharf towards the river where open; and a trench was begun facing

the curtain, near Port Louis.

Fire-balls were hung out at the angles, two were lighted, they made a great blaze, and shewed every thing in the ditch, and made the faces of the bastions very perceptible. A sailor attempted to desert from the Saut au Matelot guard at night. Our out-sentries near Palace-gate stopped him.

foot of fnow, with a N. E. wind; it blew hard at N. W. in the afternoon, and cleared up. Some of the rebels have been feen fauntering about the heights to-day; these stragglers fired at a distance on our working parties without, but did not reach them.

13th. Fine clear day, sharp air, wind N. W. It is whilpered abroad to-day, that the Upper Country Indians have an intention to march down in a large body to the relief of This rumour may have this place originally fprung from their own declaration, though we cannot trace it. Colonel Maclean sent Captain Littlejohn, with 17 seamen, to reconnoitre towards L'Ance de Mer; they got near a fentry, who rolled himself down the hill, and alarmed about 100 men below, who all ran away: we fired on them, and some of them halted to fire on us; nobody was hurt on either fide, though fome of our people pretend that three of theirs dropped. We talk of fitting out two batteaux, with brass six-pounders in their bows, to discover what the rebels are about in Wolf's-cove. When the wind is from the west, the river is quite clear of ice on the Quebec side.

The men engaged with Colonel

Maclean, suspected of an intention to desert, have been removed from the Recollets, to a stronger place in the Artillery barracks, and those who have been prisoners since the 31st of December, are confined in the Dau-

phin barracks.

1416. Easterly wind, heavy snow. About five o'clock this evening, an officer in blue, with buff facings, with a drum beating before him, advanced from their guard-house at the end of St. Roc: he held a stick with linen flying at the end of it; we fuffered him to advance under the angle at the two-gun battery: he faid he had letters for the Governor. General was informed of the man's message: he sent his Major of Brigade to tell him, he could not be heard but in imploring the King's mercy. Then, fays he, what am I to do? Return from whence you came, faid the Major; he went off accordingly.

15th. Much thaw—a fine day—fitting out two batteaux. A canoe was fent with Captain Laforce on the look out; he kept pretty much to the other fide of the river; two habitants hailed her; they asked if they might with safety go over to town; being answered in the affirmative, they said they would be over the next

day.

Two Canadians arrived in the night from Beaumont in a canoe; they represent "that the Ganadians below Point Levy are ready to take arms to drive the Bostonians out of the country; they say the rebels have no money, and that they hang their heads; they have long beat up for recruits, and they have got together about a hundred of the dregs of Canada; they have erected a battery at Point Levy, opposite to the Cul de Sac, where they have a howitzer and one gun mounted. Provisions for 1000 men have been lodged in different places to supply that number daily expected from Montreal."

16th.

about two inches of snow last night; nothing remarkable to-day except the

very heavy rain.

17th. It rained all the night. This morning the wind shifted to S. W. and it rains still. The Beaumont men fay, that the rebels, by way of detering the country people from attempting to go to town, fay, "that the plague raged within the walls, and the garrison died in great numbers daily." The coluntary picquets in the Upper Town an very strong every night; every man not on guard fleeps there in his cloaths with his mulquet lying by him, ready at a moment's warning. Captain Harrison and Captain Lester's companies do duty in the Lower Town. Every man in the garrison withes ardently the approach of the enemy, confident that we shall meet them from the walls with great loss to them.

Some of the Canadian Royalists at Port Levy (few they are, it is feared) told the rebels, in answer to their questions concerning the elevated fentry-box, or look-out at Cape Diamond-" It is a wooden horse, with a bundle of hay before him; General Carleton has faid, that he will not give up the town before that horse shall have ate up all the hay " of the Canadian militia refused to do duty on Drummond's wharf; fome faid it was too dangerous a post, others were afraid of ghosts: they were fent prisoners to the main guard, and to-day they were exposed to the view of the rest of that corps and reprimanded.

The Beaumont Canadians returned in the night, and carried some of our lately printed Gazettes; they will endeayour to be back to town soon.

From the look-out we faw about 500 men drawn up before Holland-house, and about 200 at Menut's.

18th. Wind S. W. thawing mild weather; in the evening, the wind changed to N. E. raw and dark.

The batteaux are ready for launching. Too much ice in the river this evening. Many men feen about Hollandhouse, and all along the St. Foix road.

19th. Wind N. E. with fnow and rain; in the evening it cleared up as W. Two batteaux and two cutters were fent up as far as Sillerie to reconnoitre. Major Nairne and Captain Owen went as far as the hill above L'Ance de Mer, but faw nobody. The batteaux discovered nobody.

thing.

A batteau crossed over from Sillerie to-day, a heavy body was hossed out of it by a gin—probably a cannon from the Point Levy battery. A body of men seen near the old battery to-day. There is a line of sentries closely posted quite across the plains of Abraham, from the Coteau at St. Roc's to the River's side, to prevent any person from getting near the walls, and to hinder desertion into town.

20th. A gentle easterly wind, rather cloudy. A number of men were discovered about four o'clock this morning, by our out-fentries, near the wind of St. John's suburbs; they did not approach; our picquets were drawn out to be ready to oppose the firit onset. Twelve horses seen drawing some heavy load towards Point Levy battery. We heard a gun scaled about St. Foix. Three canoes crossed over to Sillerie; there is a market kept there. The place where we suppose they are erecting their battery on the Point Levy fide is about 600 yards from high water mark, and thence to the high water mark on this fide 1100. Very variable weather to-day.

night very hard, and it still continues. Seven canoes, nine men in each, seen crossing to Sillerie.

22d. Wind easterly, cold and cloudy; we plainly perceive people at work on the other fide; we see earth thrown up by men not in view,

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and

and we can plainly see some driving stakes. We are busy laying platforms, and mounting some great guns
on the Corand battery; we have
cleared away the snow from some
thirteen-inch mortars; we fired some
shot, and threw some shells towards
the enemy. From the situation of
their battery, we suppose they intend
to hurt the shipping, and to batter Pres
de Ville and Saut au Matelot, if they
have heavy metal, which we doubt.
At any rate our fire must be infinitely
superior to theirs.

23d. Last night was very dak; we looked for an attack; the wind is fill easterly. The wood yard is empty. Nothing remarkable. It

farowed to-day.

24th. It was very dark last night; to-day it is cold, with a gloomy hard ky, though the wind is N. W.

25th. Wind N. W. excessively cold, chearing up. Chalot, who came to town lately, gave us room to look for an attack between the 15th and 25th; we have always been ready to receive the rebels.

We communicated orders by fignals; at two in the morning, blazes on the look-out; were answered by rockets from the Artillery barracks at three.

26th. It was exceedingly cold last night. About two in the morning the rebels lighted a fire-ball at their guard-house, west of St. John, and fired a musquet.

We threw fome shells, and fired fome heavy shot, at a large pile of fascines, which we suppose to be part

of the Point Levy battery.

We perceived a party from Beauport to intercept two men walking from the Point of Orleans towards the town.

Laying platforms for some thirtytwo pounders to flank the enemy's works. A great body of men sen at St. Foix; heard three chears.

27th. S. W. wind, and mild. All was quiet last night. At three this

morning, signals by rockets from Cape Diamond, answered from the two-gun battery. The large farm-house at the Canardine, which served as a guard-house to the rebels, burned this morning to the ground. Many armed men on the Point Levy side. Canoes and boats frequently crossing the river above the town.

Ninety-fix men walked armed in Indian file from the ferry-house, St. Charles's River, towards Beauport.

A batteau was fent up the river at

night; faw nothing.

28th and 29th. Nothing remarkable.

30th. Every thing was very quiet last night. The wind cold and clear at N. in the morning; in the forenoon it changed to S. W. and thawed; a gin was set up at the Point Levy battery; our shot and shells disconcerted them, not a little.

Seven men appeared at the St. Roc's guard-house; fired a cannon at them, one of them fell; five ran of when we fired a gun at them as they stood between Port Louis and Cape Diamond; one of these men was in blue, faced with white. A quantity of wood got in at St. John's-gate; men skulking behind their old battery fired on our working party; a shot from a 36 pounder disloged them. Three parties, from 30 to 50 in each, marching on the ice from Montgomery towards the river St. Charles.

Our fentries on the walls perceived a man wandering among the ruins of St. Roc; he seemed desirous of hiding himself; we sent out a file of men and brought him in; he was very drunk; he faid he had lost his way; he arrived from Point au Tremble this morning, with the fifth company of the first battalion of Pennsylvamians; that three other companies are expected with the fecond battalion. He is, or pretends to be, very igno-All he fays is, that we are foon to be escaladed and taken, that there are but few Canadians with the . rebels, rebels, and that Mr. Hazen gets no recruits. In the night a body of the rebels advanced as far as the burying ground in St John's suburbs; the sentries could not say the number.

31st. Wind S. W. with snow; thawing. About two this morning flashes were seen, and the reports of musquets heard by the sentries at Cape Diamond, at Pres de Ville as they imagined. Messengers dispatched to enquire; there they learned the firing had been at Point Levy. prisoner taken yesterday, though now Tober, adds nothing to what he faid before. The prisoners confined in the Dauphin barracks, had in the night forced two hinges from a door in the vault, which communicates with the Arcet; it hung by a third, which they did not perceive, as they must have wrought in the dark. They were questioned, but they all declared themselves ignorant of the matter. Among these men, there was one Englishman; he discovered the plot.

One of the prisoners, some days before, made his escape out of prison, and found means to get over the walls also; he was to inform the rebels that they were ready on the first dark and stormy night, to seize on the guard fet over them, and to proceed about 150 yards farther to St. John's gate, and difarm the guard there; this being accomplished, they were to turn fome cannon on the town, to defend themselves until they forced St. . John's-gate open, to let in the rebel army, which was to keep itself in . readiness every night, and march directly to St. John's-gate whenever they should discover the town on fire in different parts. All their officers were chosen, and the dispositions made. If they should find it impracticable to let their friends in, they were to fecure their retreat by ladders, which they were to take from the roof of the prison and the adjacent houses; they were in that case to throw over all the ammunition, rammers, sponges, &c. There were two of the prisoners, beside the Englishman, who would not join in the plot, but they promised secrecy, and at this moment they stiffy deny that they know any thing of it. The officers, prisoners in the Seminary, knew nothing of the affair. A great many of these men were put in irons immediately.

The General, in hope of drawing on the rebels to an attack, ordered that the fignal agreed on by the prifoners should be given in the night. and that every thing should be carried on as if they had made their escape, following exactly their plan. Preparations were made accordingly: piles of wood were prepared in different parts near the walls. whole garrison was ordered to be on the ramparts, under arms, at two o'cl ck in the morning. Although the weather did not promise to be dark or stormy, yet the General thought it would be best to lose no time, for fear some deserter might inform the rebels that the plot of the prisoners had been discovered.

At four o'clock this evening a deferter came in; he is of the first battalion of Pennsylvanians; he says, "the companies should be 65 men each, but they desert daily. The second battalion is expected, with three companies of the first."

April 1st. Wind foft at S. W. much thaw. At two o'clock this morning the garrison was under arras -every company was posted at their alarm-posts-unluckily the moon shone exceedingly bright. The bonfires were lighted; a hot fire of musquetry continued for ten minutes; hubbub and confused mixture of cries were heard; then three chears were immediately followed, by a close fire from two brass six-pounders turned towards the town—the musquetry still kept up-now and then huzzas. This was carried on for a confiderable time. but nobody appeared without the walls, nor did we fee a fingle fignal. At day-light we were dismissed.

This

This feint will have a happy effect; it will shew the rebels that we wish their approach, and the considerate among them will dread to face us.

We plainly discover four embrafures on their Point Levy battery—a large bank of snow to the right per-

haps masks more.

The deferter who came in yesterday says, "that in crossing the Lakes he met many small parties, of threes, sours, and sives, leaving Canada; that a Lieutenant had deserted; they brought him back, but he got away at last; he can encircle the largest gun they have with his arms; some time ago two of our shells fell without bursting; the powder they contained was sold at a dollar a pound; the rebels have but 13 rounds."

This afternoon another deferter came in, he fays, "they have but fifteen men on guard near St. John's

suburbs.

"The manœuvre of this morning alarmed the rebels; they stood under arms until day-light—many want to get into town. An old man, with an enormous perriwig, called General Wooster, came down from Montreal, with an escort of 40 men. There are great numbers of the rebels sick in hospital."

Firing that and throwing shells at

their battery, at Point Levy.

The general voluntary picquet

ceases until dark moon.

2d. Wind S. W. warm clear funfhine; three men seen near the runs at Mount Pleasant; one had a large wig, supposed to be the Sieur David Wooster; another was dressed in scarlet, faid to be Arnold; the third (fay the people) was the engineer, They were Colonel Edward Antil. pointing out the weakest part of the walls to the old man, perhaps plan-If they feel bold, ning an attack. they may chance to have their bones broke even at the weakest places. They are all wearing masks; every foul among them hide their fears:

they dare not artack, but they are ashamed to say so to each other, after so much rhodomontade; be this as may, we fear them not.

A party of 60 or 70 were under review near the General Hospital; a single shot broke their ranks, and

away they ran.

Some people seen near the old battery at work; several small parties marched to their guard-houses; some people have seen, or imagined they saw, from the look-out, heaps of lad-

ders piled up on the plains.

A cutter was sent in the evening to look into Wolf's-cove; she got inclosed in the ice, and was carried along with the tide; the rebels discovered her, and fired fix-pound shot at her; they were evdeavouring to get boats assoat to send after her, but the men made a way through the ice with the butt ends of their musquets, and got clear.

3d. Wind easterly, soft and cloudy. About eight o'clock this morning, the rebels opened their battery at Point Levy with five guns, 24 pounders, 12 pounders, and 9 pounders, some shot fell short of the Lower Town, and some fell in Palace-street, spent. Their aim seems to be at the shipping. They have hit the Lizzard frigate; a ball has damaged her fore-

mast.

About mid-day we plainly heard the report of five guns, at between two and three leagues distance down the river; from the report they may be large, yet as the atmosphere is heavy, a small gun may be taken for a large one at a distance.

Mr. Chabot left his little armed schooner on the Island of Orleans last fall; perhaps the rebels are fitting her out, and have been scaling her three-pounders; it is by three or four weeks too early to look for any thing

from Europe.

The enemy threw three shells of nine inches from Point Levy; they did no damage. We made many most

most excellent shots to-day; in short, as foon as our flankers at the citadel played on them, their fire ceased.

Very heavy rain this afternoon.

4th. It rained all night. The wind is about to S. W. We fire without intermission on the enemy; they fire dropping shots at us, many There are but few people fall short. to be seen. Ten rockets played off at the ferry-house, St. Charles's River—answered by a gun from Point Levy.

5th. Wind this morning N. W. cold raw thawing weather. An eightinch shell burst above the shipping in Cul de Sac; a piece of it cut a failor on the head. They fired five guns and two shells early, drew in their guns, and ran from the battery. We threw shells into their works, and cut their fascines to pieces. The rebels burnt a small shallop, and some boards at L'Ance de Mer. Fatigue parties clearing the fnow from the ramparts. The rebels watch an opportunity, and cease it, to steal a shot or two; they are afraid to stand to their guns.

A hundred and one men marching in a string from Beauport towards the ferry-house; fired at it, and went through it; carried the timber for a block-house to the place where it is to be erected, between Port St. Louis and Cape Diamond. One Loifeaux. an honest Canadian, came in at Saut àu Matelot, at ten o'clock at night.

6tb. Wind easterly, with a heavy fky; it thaws much. A deserter came in this morning; he reports, " that General Lee is on his way to this place, with a body of 4000 men; he halted, ill of the gout, and many

of his men have deferted.

" At South River, below Point Levy, fixty Canadins, with Mr. Bailly, a priest, at their head, took arms, with an intention to surprise the guard at Point Levy, and to join the King's friends in Quebec. A villain informed the rebels of their plan, on

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which a strong party marched from Point Levy to take them; an engagement ensued, in which five loval Canadians fell, and fix rebels were The Priest is dangerously killed. wounded in the belly, two balls entered his body; 34 Canadians were carried prisoners to head-quarters. If the Canadians had been well armed, the rebels would have had a fevere beating."

He further says, "that they have ordered all the priests in Orleans, who refuse to give absolution to the rebellious Canadians, to be carried prisoners to the camp. They have appointed a Priest, called Lotbiniere. to absolve the people; they give him a salary of 1500l. and promise him a

bishoprick.

"They have granted the houses in the town to the deluded habitants who have taken arms in their favour: these poor devils stake a house at a game of berlan. From what the rebels tell them, they are affured that we cannot long hold out, as they are to cannonade us from the heights of Abraham and Point Levy, and to bombard us from the ferry-house at St. Charles's River; yet the greatest part of the habitants dread that we may stand out. There is great fickness among the rebels, many of them are under inoculation. The New-Yorkers engaged to remain in the fervice of the Congress until the 15th of this month; they have declared that they will lay down their arms, and return home after that day. Two gentlemen from New-York, with letters for General Carleton, were taken by the rebels; they had time to destroy their dispatches. We killed three, wounded two, and dismounted two of their guns.

" Our feint of the first, in the morning, kept them under arms until feven o'clock, when they were difmissed, quite distatisfied, saying they had been made April fools.

7th. Every thing quiet in the night. Rain, Rain, hail, fleet, and N. E. wind. A good many flot from the rebels; no harm done.

81h. Southerly wind and foft weather. As day dawns, it is a rule with the rebels to fire four guns and a howitzer, then immediately draw them behind the merlons and retreat; they venture, from time to time,

through the day, to pop a shot or

two at us.

In the evening a ricochet shot entered at a window in the Upper Town, where the family sat round the tea-table; the eldest boy, of ten years, was struck on the back part of his head, and expired in the arms of the sather and mother in an instant. Some of their balls have a little da-

maged some roofs.

9th. Easterly wind, with foft drizzly weather. Much fire from us; from them very little. A decent looking man, one Chaucer, came in from the rebels; he talks a great deal: he fays that "General Lee was on his march hither; he was called afterwards to take the command at New-York. The rebels without are 1800 strong, if 700 of that number fick can be called firength. They are to florm the town at Pres de Ville, Saut au Matelot, and Cape Diamond, between this and the 15th, on which day the time of many of the men will finish. The New-Yorkers look upon themfelves as beings far superior to what they call the Yankies, meaning the people at Connecticut, Massachufetts, Rhode-Island, and New-Hampthire, who affect a difgusting preeminence, and take the lead in every thing. They are to batter us from a battery 500 yards from Port Louis, to mount five guns, nines and twelvepounders. They are to bombard us with five mortars from a bomb battery behind the ferry-house, on St. Charles's River. They have two gondolas out in the river; they are preparing a fire-velled to burn the shipping in Cul de Sac. The Canadians are very much discontented, as they are paid in Congress bills, a handful of which they will willingly give for a dollar; they have whipped a Canadian for speaking his mind too freely; they have maltreated a gentleman at Montreal, for beating an infolent fellow, a rebel officer.

"Arnold is to leave the camp tomorrow, and hasten to Montreal, to fend down all possible reinforcements.

"The rebels are without shoes."
Thus far Mr. Chaucer has informed us; he is suspected as a spy, and he will be taken care of accordingly.

From his story they cannot intend to attack us before the 15th. Arnold cannot get up at this season in less than three or four days, and it will be impossible for a number of men to get down in less than eight or ten days more. Come when they will, they will find us ready to receive them. Boats row guard every night. We have guns on all the wharfs, and in some of the ships in Cul de Sac, with strong guards and picquets in different parts of the Lower Town.

noth. Wind westerly; a very soft fine day, but the streets almost impassable, from the great runs of water; the remaining snow is porous and rotten; if one steps aside from the sleigh track, he sinks above the knees; how can these people propose to themselves to march loaded with ladders to attack us behind walls; we would cut them off every soul before they got half way, through the ditch; our tannister shot would mow them down.

A young man, named Pepper, came in this morning from Cape Rouge; he confirms what Chaucer has faid about the discontent of the New-Yorkers, and uneafines of the Canadian peafants. "The rebels, despairing of success, have in some measure thrown off that shew of justice which they paraded before the habitants,

pretty unreasonable commands. This young man's father was offered the command of a gondola. They are to attempt to burn the shipping by running the fire vessel full fail into Cul de Sac."

11th. Heavy rain, with a strong wind at N. E. Their battery is filent to-day; they fay it must be full of water, being situated in a swampy hollow. Rocket fignals were made at Cape Diamond, St. John's, and Palace-gate, at midnight, The rebels threw one at ten at night, at the ferry at Menut's, and at Hollandhouse.

Thawing, fleety, easterly 12th. The faces of the bastions weather. and the ditch were lighted by fireballs hung over the angles. The rebels fired a good many shot at Cul de Sac to-day; they did very little da-

mage.

13th. Lowring morning, wind W. cold and freezing. Fire-balls lighted, rockets played off at the guards as yesterday morning.

The Hunter floop of war received

a shot through her cabbin.

It was discovered that the prisoners in the Dauphin barracks had filed off the rivets of their hand cuffs, and had placed leaden ones in their stead.

People feen at work where Chaucer faid they were to erect a battery on the heights; the ground is well chosen, but the Cavalier battery will destroy them; we fired some shot from Port Louis without much effect.

Freezes hard this evening.

14th. No alarm last night. Wind at W. to-day, clear and warm. Their shot from Point Levy is all directed to Cul de Sac; they put one into the Lizard's stern, and hurt the main-mast of a transport. 1800 men will be under arms tonight, in expectation of an attack; the block-house, about 100 yards outside of Port Louis was finished today, and a guard of twenty men post-

habitants, and now enforce some ed there in the evening. The country is much in motion to-day, especially towards head quarters; bodies of men feen.

15th. Clear frosty weather last We were ready to receive the rebels, but there was no disturb-Fire-balls were lighted, and rockets thrown, as customary. the afternoon we heard the voices of many men on the heights, finging out as is customary in moving heavy bodies.

In the evening a great body were assembled at Menut's, and three chears were heard very distinctly. It is supposed by many that the New-Yorkers may have re-entered into the rebel service; others think that David Wooster may have been making a fine speech to them about liberty. and promising mighty and speedy reinforcements, and painting out the glory and profit that will attend those who shall enter Quebec in triumph. At the word profit, they gave three long cheers.

At nine at night guns were fired at the Point of Orleans, and fignals were made there. A drifting shallop, we suppose, gave the alarm; one

passed the town about dusk.

16th. Last night was mild and clear; the fire-balls were not necesfary. Rockets were fent up at the usual places at one o'clock. Qutpicquets at both block-houses. Wind strong at E. The rebels did not fire a shot in return for many sent to them at both batteries. We have geometrically measured the distance to the last, and find it to be 716 yards 2 feet. Rainy evening,

17th. Wind N. E. there fell two inches of snow in the night. Fireballs lighted at one o'clock, and rockets thrown as usual. The enemy working on the heights. Canoes and batteaux passing and repassing opposite Sillerie, full of men. The rebels fired none to-day. Captain Laforce went in a canoe to reconnoitre; he

E 2

was

was hailed from the Point Levy side. The Canadians, on his asking why they did not come to town, answered, that they had no canoes, and were closely guarded; they pressed Laforce to go on shore; but, aware of Point Levy treachery, he paddled

away with a " bon foir." 18th. Wind S. W. showers of Fire-balls lighted, and rockets thrown as usual. Some shot from Point Levy early in the morning; canoes croffing from the fide full of men. Wood brought in to-day. the afternoon came two deferters from the rebels. They report that " the New-Yorkers, 300 in number, were affembled on the 15th; every argument was used to persuade them to renew their engagements, which ended that day; but before they were called together, they had determined . among themselves to withstand the most pressing solicitations of their former Commanders; they represented that the Congress had deceived them; that their pay was still due, and that they had been in a manner forced to enter the service after their first engagement had ended, therefore they would ferve the Congress no longer; they had feen their error, and would return to their duty; they were determined never to fire a shot against the King's friends. fpeaker ended with a God fave the King, which was echoed by one and all of them. with three cheers. Immediately these men were surrounded; they were very ill used, and confined: the dastardly Canadian vagabonds in their fervice were the most forward in this work. They fay the rebels are 1200 well, and 600 fick; the Canadians are not included; they amuse the habitants with hopes of reinforcement, and they promise plunder to those who shall assist them in taking

There is not a man at this hour within the walls who does not wish that the rebels may attack us; we

the town."

know the reception they will meet with, and we know that they dread it, although they tell their men that they will be led to an easy conquest; but the 31st of December is not yet forgotten. If any thing will tempt the habitants forward, it will be the prospect of rich plunder.

"It has been whispered in their camp, that two ships have been seen in the river, to the great dismay of

the rebels."

The ice of Lake St. Peter passed

the town to-day.

last night; all was quiet. Fire-balls, and rockets as signals à l'ordinaire. Wind S. W. cloudy and cold to-day. Wood got in to-day. Firing from Point Levy on the shipping. The Canadians are asraid that the town will be burnt, and they shall get no plunder.

20th. Two men, who left Quebec last fall, came down from Cape Rouge in a canoe; they say, "that the rebels have made a fire vessel of the brig Gaspey, which they took last fall; they have offered 20,000 pounds to any person who will steer her into Cul de Sac, and there set fire to the train. No Yankey, no Yorker, nor ever a Canadian, has yet been found to offer his service. An Arcadian has said that he will do it for 30,000 pounds en bon argent sonnant.

"Colonel Caldwell, with the eighth regiment, is on his way down from Niagara, with a number of Indians, and that Arnold posted away to Montreal the moment this news arrived."

The rebels fired a few shot at us to-day. We have almost sinished a battery of five twenty-four pounders behind the Hotel Dieu, from whence we have battered the ferry-house.

They say "that some of the people who left us last fall, have been very industrious in preaching to the Canadians, advising them to enter heartily into

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into the Boston affair, else they will be irretrievably loft, and made flaves for ever." These men add, "that Chaucer was sent in, hoping that he might find means to get out again. He promised to return in three days. if alive; he got a commission in the rebel army but a few days before he came into town. They also say, that one of the prisoners, an officer, sent out a plan of fignals, by which the friends within the walls could be instructed how and when the attack was to be conducted, and by what number, that they might, if possible, cooperate with those without.

21st. A clear ferene night, no difturbance. The rebels beat to arms at three o'clock this morning. Their battery on the heights does not feem to advance. They fired from Point Levy to-day at the hour of going to Mass; it is a diabolical spirit! They can but hope to kill a few harmless women and children. They see that they cannot hurt the town. Hitherto they have killed a boy, wounded a sailor, and broke the leg of a turkey.

Fine weather, wind S. W. swallows seen to-day. We keep a constant fire on the battery behind the ferry-house, from the walls between the Artillery barracks and St. John'sgate, from the two-gun battery, and from behind the Hotel Dieu.

At dusk Laforce's armed schooner, with 30 fine fellows, was hauled out into the stream; the rebels fired at her from Point Levy, and beat to arms; the schooner drove up with the ice; they were carried as far as Wolf's-cove before the Lizard's boat could reach her with a cable and anchor. The schooner was fired on by a party; she gave them guns for musquets.

wind. Between nine and ten this morning the rebels opened the battery behind the ferry-house with two twelve-pounders. They have cut

embrasures through a very thick breast-work which the French threw up in 1759. They fired between 30 and 40 shot at us; they only pierced a few roofs; they are obliged to elevate their guns very much. The red slag which has hung out fince the 5th of March was taken down last night; some people say that their friends within the walls well know what that means—there is no apparent joy in the countenances of the suspected, perhaps no more reinforcements are to be expected.

23d. There fell three inches of foft floppy fnow fince yesterday morning; it was dark and low'ring all night; we thought the night was favourable, and we had a general picquet. Captain Laforce made a canoe come on board which was attempting to pass; she proved to be from Montreal, with fix men on board. Mr. Rousseau, one of the fix, left New-York the 27th of March. prevailed a report there at that time. " that 27 fail of large ships had been feen off Rhode-Island, and that the troops had evacuated Boston, intending for New-York; that Lord Stirling was to oppose their landing with a great force; that they have fent us a reinforcement by water from Bofton; that he passed Mr. Thomas. lately an apothecary, now a General. with 1200 men, a reinforcement to the rebels, in Canada; on the 3d of April he passed their advanced party at Stillwater, 27 miles on this fide of Albany. There were 80 batteaux waiting then at Ticonderoga. George was not passable. Six iron 24 pounders detain them much.

with fear, and talked of confidently at Montreal, that Colonel Caldwell with the eighth regiment, and a number of Indians, are on their way down from the Upper Countries.

"If there had been batteaux to be had, between fix and feven hundred Canadians

Canadians would have come along with them. General Lee is gone to

Virginia."

The rebels fired a good deal from Point Levy and from the ferry-house; we made a great number of good shots at both; they have damaged a few chimnies.

They opened their new battery on the heights, by throwing fix small shells directed for the block-houses; they all fell short, and some did not burn the returned some of 13 and of 10 merchants. We made our usual signals them there are to guard by rockets.

24th. Last night was come and old. The wind shifted to N. W. where it continues. The rebels fired red hot balls into town; they destroyed a few chimnies. Their fire is much slackened; ours encreases; we have most certainly very near destroyed their works; they fire but from one gun at the ferry; we saw them carry off some people in the heat of our fire; we have eleven guns bearing-on the ferry battery. They still fire from

Point Levy on the shipping.

25th. It did not freeze last night. St. Charles's River clear of ice—this will force the rebels to cross farther up than their battery, or they will cross in reach of our guns. Mounted a 24 pounder against their new battery on the heights; they hurt fome roofs and chimnies as usual; they cannot fweep our streets from their batteries. Reports were heard at a distance, like 12 or 14 great guns. Some people please themselves with the hopes that they were fired on board a ship of war coming to our relief; others think the reports may have been from Chabot's schooner, or a brig of Arnold's, which lies below.

26.6. The last night was the worst we have had for many months; the wind was violent at N. E. with a very heavy rain; it cleared up in the afternoon; firing on all sides.

Captain Laforce chaced a parcel of canoes, the people got on shore at Point Levy—he upbraided them for not coming to town; they answered that it was not from want of inclination, but the moment they were mifing, their houses would be burnt, and their stock carried off by the rebels. He ended his conversation by telling them that now was the time to retrieve their character, a few days would deprive them of it.

27th. The last night was very foggy; it was impossible to see half way across the ditch from the ramparts; we were very much on our guard. This morning is clear. At one in the morning, just after we had fired our signal rockets, sive shot were thrown into town from the ferry battery. We begin to look towards tery. We begin to look towards tery. We begin to look towards to our prisoners, was sent on board the armed schooner for an attempt to escape from the seminary.

Between ten and eleven at night, the cathedral great bell rang the alarm, the drum beat to arms, and all the garrifon was posted in a few minutes; it was a salse alarm. A house on the beach, or a boat with brush-wood was on fire; the sentries called out, "A fire-ship! a fire-ship!" As it was known what the matter was, every man was ordered

home.

The rebels did no hurt, though they fired a good deal to-day; we gave them ten shot for one, and some shells.

28th. It froze last night. Wind at W. this morning, with fine weather. There has not been much firing on either side to day. The balls fired by the rebels were hot.

29th, Wind S. W. ferene mild weather. Four musquets fired on

the heights in the night.

30th. A small breeze at E. with fost rain in the morning; fog with heavy rain in the afternoon.

On

On examining two foldiers of the Royal fuzileers, who were possessed of a great deal more money than is common for a private to have, they confessed that they had been bribed by fome of the rebel officers to affift them in making their escape the first time they fhould be on guard over them; they were to kill any fentries or other persons who should attempt to ftop them; they were to have got over the wall of the Seminary garden to the grand battery, and walk down to the Sally-port, facing the Canoetree, there leap the wall, and pass through St. Roc to the first guardhouse. On this charge two of the prisoners, after proof being had; were sent on board Captain Laforce's vessel as a place of greater security.

The fogginess of the night made a general picquet necessary; every man slept in his cloaths; his arms and accourtements lay by his side. The guards and patroles were very

vigilant.

May 1st. There is not many in the garrison who would not have been exceedingly happy to have had a certainty in November last, that on this welcome day we should see all our friends around us, and in health. All of us that were shut up together still remain in high spirits to congratulate each other on the near approach of relief from Britain.

Those who never saw a siege had many fears, well founded in their opinion. General Carleton wore still the same countenance; his looks were watched, and they gave courage to many; there was no despondency in his features; he had once faid, that he should never grace the triumph of the rebels. He will find a numerous band to follow him in every danger; and what will not true bravery perform, led on by a man of spirit, conduct, and experience. He is known, and that knowledge gave courage and strength to his garrison. Since the attack of the 31st of De-

cember, it is a prevailing opinion. that fix thousand American soldiers would be beat from our walls, were they to make a fecond attempt to storm us. Colonel Maclean has been the most indefatigable officer that ever had the fafety of a garrison at heart; he was here, there, and every where in a moment, and feen at all hours of the night and of the day. Captain Mackenzie of his Majesty's sloop of war the Hunter, was beyond expresfion active. The rebels batteries bear testimony of his abilities in pointing guns; he has much merit for having his failors under the strictest discipline; he ranked as Major, and in that station his fatigue, as field-officer, every third day, was counted nought by him; he was happy when the service required him to be on duty.

Major Cox's experience in military affairs, and his engaging method of fhewing the militia their duty, made those who happened to be on picquet with him happy: his care and affiduity in the service deserves the

greatest praise.

Major Ecuyer, who has long been in the army, had, with the other field-officers, his turn of duty every third day; nothing in his power was wanting to forward the service both by example and precept to the militia, English, and French.

In short, every officer shewed to those under him the duty of a good soldier, and the soldiers improved by their example. If ever emulation was conspicuous, it was in the garrison of

Quebec.

At four o'clock this morning it began to fnow, and by eight there lay three inches in depth on the ground—the wind is northerly and cold—it began to clear up in the afternoon. The rebels fired hot balls from the ferry, and from Point Levy—a fhot entered the cabin window of the Fell armed ship, shattered a boy's leg, wounded a man dangerously, and two slightly.

A Cana-

A Canadian fellow came over from Point Levy to-day, as he pretends, on what Captain Laforce faid to the pack he chaced on shore the other day. He says the rebels are 11,000; he pretends to be ignorant, but he is known for a waut rien; as he is looked on as a say he is confined. We took up a very large batteau which sloated down St. Charles's River.

'2d. The last night was very clear and very cold—standing water froze a third of an inch-it freezes still, with W. N. W. wind. The rebels fired many hot shot to-day from the ferry battery; fome chimnies were damaged, and some roofs hurt. We made a soitie at Port Louis for wood: behind fences, three or four hundred yards from the walls, we found piles of fealing ladders, rather better made than those used the 31st of December, but yet heavy, and by far too short: we did not touch them, in hopes that they will ferve as traps for the rebels. At twelve o'clock at night, rockets and a fire-wheel, played off on the grand battery, were answered by rockets from the Hotel Dieu battery.

3d. Last night was delightfully clear and serene; this morning the air is easterly, with hot sunshine. A satigue party making a frize of them

on the glacée.

About 200 men in three divisions were feen marching up towards Wolf's-cove, the first had red colours, the second blue, and the third white; a number of batteaux attended them along shore; we imagine it is a part of Mr. Thomas's reinforcement, which Mr. Rousseau passed at Stillwater. Rebels firing red hot balls from the ferry battery. We carried down fome cohorns to the north corner of St. Roc, to throw small shells from thence into their battery; they were covered by a party. Between nine and ten at night, on the top of the tide, a veffel was descried coming up before the wind; the people were wishing one another joy, not at all

doubting but it was the first of the fleet. The General was informed of it; he told the messenger to order the artillery men to their guns. She was hailed three times; no answer was made; the fourth hail was accompanied with a threat to fink her in case she did not answer; she immediately sheered in shore; then the batteries played on her, and in a minute she appeared all in a blaze at 200 yards from Cul de Sac, but very near the beach; shells, grenades, potards, pots-a-feu, burst very regularly; she feemed well prepared, and might have done much mischief had she been fleered into Cul de Sac. A boat was feen to row very quickly away from her, the moment she sheered in towards the shore. It is thought that this was a brigantine of Arnold's which lay below; fome fay that it was the Gaspey, that had passed the town in a dark night, but most people think that it cannot be. The whole town was under arms in an instant after the drums beat and the bells rang; no confusion appeared, every body was cool, and wishing the rebels would attack. The night was most remarkable fine and clear. furprifing that they chose such clear weather for this enterprize; they must furely know that there are King's ships in the river, and for that reason they fent her up, as the wind was fair. Her hull floated down with the tide, in a fine bright blaze; every man was ordered to his picquet, to be ready at the beat of drum.

4th. Wind still easterly, the sky heavy—it rained in the morning—at mid-day it cleared up at N. W. A few shot from Point Levy to-day.

5th. It froze very hard last night; the wind is still N. W. and cold.

6th. Last night it froze a little. There is a gentle breeze at N. E. this morning; at four o'clock guns were heard down the river, every two or three minutes. A woman came early to Palace-gate, and called to the fentry,

fentry, "that Mr. Thomas, with his reinforcement was come; that David Wooster was gone off, and that there is a great bustle among them, loading carts with arms, baggage, &c."

About fix a vessel appeared turning round Point Levy, to the inconceivable joy of all the garrison; every soul lest their beds to run to the grand battery to feast their eyes, when they heard the joyful tidings. On our firing a gun she brought to, and fired their guns to leeward. She proved to be the Surprize frigate, commanded by Captain Lindsay. Part of the 20th regiment on board, the first of the reinforcement; they, with the marines, were immediately fent on shore. drums beat to arms, and all the different corps appeared on the parade. It was ordered that all volunteers in the English and French militia should join the troops and failors, to march out and attack the rebels; every man almost in both corps was forward to offer his service.

General Carleton, at the head of about 800 men, marched out at twelve o'clock. Colonel Maclean was fecond in command. Caldwell marched at the head of his British militia. The little army extended itself quite across the plains, making a noble appearance. looked formidable to the rebels. few of them were hid among the bushes, and fired on our advanced party, without hurting a man; the rest fled most precipitately as soon as our field-pieces began to play on their guard-houles; they left cannon, musquets, ammunition, and even cloaths; we found the road strewed with musquets as we purfued them; cloaths, bread, pork, all lay in heaps in the highway. We took howitzers, fieldpieces, &c. &c. So great was their panic, that they left behind them many letters and papers of confequence to those who wrote them, and to the persons to whom they were written; they also lest their orderly Vol. VI.

books; look which way foever, one could fee men flying, and loaded carts driving away with all possible speed.

We took possession of the General Hospital, and of a guard-house two miles farther, Holland-house, Mr. Dupre's, &c. where we found pork, slower, ammunition, and artillery stores. At Sillerie we found flower.

In the afternoon two frigates were fent up the river to take and deftroy their craft.

We mounted a Captain's guard at the General Hospital this evening.

7th. Every thing was very quiet in the night. This morning many priests have come to town from the adjacent parishes, with chearful countenances, to pay their respects to the Governor, and make their obeisance to the Bishop. Their distinguished loyalty will ever redound to their honour; a great number of people are slocking into town, many with guilty faces.

The peafants, with their eyes on the ground, come fneaking in, with a few eggs, milk, butter, &c. meanly cringing and submissive, conscious that their base conduct merits chastisement. Ask one the price of his butter-Ab mon cher, Monsieur, repond il, c'est à wous a faire le prix, ce que vous plaira me contentera. Parties are fent into the parishes near the town. The frigate took an armed schooner at Sillerie; she took the Gaspé at Cape Rouge; they had been at work on her as a fire-ship; she took some other veilels; she fired on fome batteaux full of men; they rowed close in shore, and, unfortunately, the turning of the tide obliged the frigate to come to an anchor; the batteaux got off; a number of people were killed, and fome taken.

The rebels were in such hurry to get safe off, that they put their sick on shore, leaving many of them to perish on the beech. God be praised that we are now at liberty to breathe

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the air of the country. The rebels ftole in upon us through the woods; a dreadful panic feized them, and they left us precipitately.

ARTICLES of CONFEDERATION and PERPETUAL UNION between the STATES of New-Hampshire, Maffachusetts-Bay, Rhode-Island, and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

ARTICLE I. The stile of this Confederacy shall be "The United States

of America,"

ART. II. Each State retains its fovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

ART. III. The faid States hereby feverally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general weisare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all privileges and immunities of free citizens in the feveral States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the fame duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to pre-

vent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with treason, selony, or other high missemeanor in any State, shall see from justice, and be found in any of the United States, he shall, upon demand of the Govornor, or executive power of the State from which he state having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the Courts and Magistrates of every State.

ART. V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another, for his benefit receives any salary; fees

or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the Committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress

Congress shall not be impeached or questioned in any Courts, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congrefs, except for treason, felony, or breach of the peace.

ART. VI. No State without the consent of the United States in Congress assembled, shall send any embaffy to, or receive any embaffy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any prefent, emolument, office or title, of any kind whatever, from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the fame is to be entered into, and how

long it shall continue.

No State shall lay any imposts or duties, which may interfere with any flipulations in treaties, entered into by the United States in Congress asfembled, with any King, Prince, or State, in pursuance of any treaties already proposed by Congress, to the

Courts of France and Spain.

No veffels of war shall be kept up in time of peace by any State, except fuch number only, as shall be deemed necessary by the United States in Congress affembled, for the defence of fuch State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the de-

fence of fuch State: but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide, and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition,

and camp equipage.

No State shall engage in any war without the confent of the United States in Congress assembled, unless fuch State be actually invaded by enemies, or shall have received certain advice of a refolution being formed by some nation of Indians to invade fuch State, and the danger is so imminent as not to admit of a delay, till the United States in Congress asfembled can be consulted, nor shall any State grant commissions to any ships or vessels of war, nor letters of marque, or reprifal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been fo declared, and under fuch regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. VII. When land forces are raised by any State for the common defence, all officers of or under the rank of Colonel, shall be appointed by the Legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII. All charges of war. and all other expences that shall be incurred for the common defence of general welfare, and allowed by the United States in Congress assembled, fhall be defrayed out of the common treasury, which shall be supplied by the feveral States, in proportion to the value of all land within each State, granted to, or surveyed for any person, as such land and the building and improvements thereon shall be estimated according to such mode as the United States in Congress affembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the feveral States within the time agreed upon by the United States in Con-

gress assembled.

ART. IX. The United States in Congress assembled shall have the fole and exclusive right and power of determining on peace and war, except in the cases mentioned in the VIth article—of fending and receiving Ambassadors-entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts, and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatfoever-of establishing rules for deciding in all cases, what captures on land or water thall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and repriful in times of peace -appointing Courts for, the trial of piracies, and felonies committed on the high seas, and establishing Courts for receiving and determining finally appeals in all cases of captures, provided, that no member of Congress shall be appointed a Judge of any of the faid Courts.

The United States in Congress affembled shall also be the last resort on appeal in all disputes and differences

now fublishing, or that hereafter may arise between two or more States concerning boundary, jurifdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any State in controverfy with another, shall present a petition to Congress stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day asfigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent, Commissioners or Judges to constitute a Court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the lift of fuch persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen: and from that number not less than feven, nor more than nine names as Congress shall direct, shall, in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be Commissioners or Judges, to hear and finally determine the controversy, so always as a major part of the Judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without shewing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of fuch party absent or refusing; and the judgment and fentence of the Court so to be appointed, in the manner before described, shall be final and conclusive; and if any of the parties shall

shall refuse to submit to the authority of fuch Court, or to appear or defend their claim or cause, the Court shall nevertheless proceed to pronounce fentence, or judgment, which shall in like manner be final and decisive, the judgment or fentence and other proceedings being in either case transmitted to Congress, and lodged among the Acts of Congress for the security of the parties concerned; provided that every Commissioner, before he fits in judgment, shall take an oath to be administered by one of the Judges of the supreme or superior Court of the State, where the cause shall be tried, "well and truly to hear: and determine the matter in question, according to the best of his. judgment, without favour, affection or hope of reward:" provided also, that no fate shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of foil claimed under different grants of two or more States, whose jurisdictions as they may respect fuch lands, and the States which paffed fuch grants are adjusted; the faid grants or either of them being at the same time claimed to have originated antecedent to fuch fettlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the fame manner as is before prescribed for deciding disputes respecting territerial jurisdiction between different States.

The United States in Congress affembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs, with the Indians, not members of any of the States, provided

that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expence of the faid office-appointing all officers of the land forces, in the fervice of the United States, excepting regimental officers-appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United Statesmaking rules for the government and regulation of the faid land and naval forces, and directing their operations.

The United States in Congress asfembled shall have authority to appoint a Committee, to fit in the recess of Congress, to be denominated, " A Committee of the States," and to confift of one delegate from each State; and to appoint such other Committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to prefide, provided that no person be allowed to serve in the office of President more than one year, in any term of three years; to afcertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for detraying the public expences—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the fums of money fo borrowed or emitted to build and equip a navy-to agree upon the number of land forces and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in fuch State; which requifition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and cloath, arm and equip

equip them in a foldier-like manner, at the expence of the United States, and the officers and men to cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress affembled, shall, in consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, fuch extra number shall be raised, officered, cloathed, armed, and equipped in the fame manner as the quota of such State, unless the Legislature of fuch State shall judge that such extra number cannot be fafely spared out of the fame, in which case they shall raise, officer, clothe, arm, and equip as many of fuch extra number as they judge can be fafely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprifal, in time of peace, nor enter into treaties or alliances, nor coin money, nor regulate the value thereof, mor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a Commander in Chief of the army or navy, unless nine States affent to the fame: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the vote of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn at any time within the year, and to any place within the United States, fo that no period of adjournment be for a longer duration than the space of fix months, and shall publish the journal of their proceedings monthly. except such part thereof relating to treaties, alliances, or military operations, as in their judgment require fecrecy; and the year and nays of the delegates of each State on any question shall be entered on the Journal, when it is defired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transfeript of the faid journal, except fuch parts as are above excepted, to lay before the Legislatures of the several

ART. X. The Committee of the States, or any nine of them, shall be authorised to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI. Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII. All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the affembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction fatisfaction whereof, the faid United States, and public faith, are hereby folemnly pledged.

ART. XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alterations be

agreed to in Congress of the United States, and be afterwards confirmed by the Legislature of each State.

These Articles shall be proposed to the Legislatures of the United States, to be considered, and if approved of by them, they are advised to authorise their delegates, to ratify the same in the Congress of the United States; which being done, the same shall become conclusive." By order of Congress,

HENRY LAURENS, President.

Dec. 5, 1777.

LIST of Ships taken by the AMERICANS. Continued from Page 514 of last Volume.

Ships Names, and Masters. Industry, a schooner, Industry, Darling, Johanna, Shea, John, a transport, John, Casaman, John and William, Falkner, John and Richard, Gould, Jonathan, Townshend, Juno, Hayerscomber, Juno, Marson, King George, Westmore, Lady Jane, Hawkins, Lancaiter Hero, Lapwing, Harris, Lapwing, Mathers, Laurence, Maitland, Lawfon, a transport, Liberty, Wilkins, Lord Howe, a transport, Macfguin, Room, Margery, Boyd, Mary, Mary, Ashwick, Mary, Pearse, Mary, Richie, Mermaid, Cochtan, Minchead, Blackstone, Molly, Lyme, Nancy and Mary, Le Gale, Nancy, Wood, Nancy, Hooper, Nancy, Underhill, Newfoundland, Inna. Norman. Withers.

From and so In the Delaware. London to Jamaica. Newfoundland to a market. In the Delaware. Missippi to London. retaken. Lisbon to New-York, with 180 flaves. &c! Africa to Jamaica. Liverpool to Jamaica. Bermuda to London. lamaica to Briftol, Chefter to New-York. West-Indies to Halifax. West-Indies to London. Jamaica to Honduras. West-Indies to Florida. Newfoundland to a market. Glasgow to Quebec, with troops and cloathing. Corke to New-York. retaken. In the Delaware. Bristol to New-York. Jamaica to New-York. belonging to Biddeford, retaken. Newfoundland to St. Andero. Newfoundland to a market. Malaga to London. Glasgow to Barbadoes. Newfoundland to Bilboa. New-York to Jamaica. Newfoundland to a market. Falmouth to Quebec, St. Vincent's to London. Newfoundland to Bilboa. Newfoundland to a market. Scotland to Halifax.

Nostra

Ships Names and Masters. Nostra Signora de St. Antonio, Rio de Janeiro to Fyal. Orion, Chalmers. Peace and Plenty, Denton, Polly floop, Polly and Betfey, Polly, Jenkins, Polly, Alward, Polly, Steevens, Proudfoot, Trew, Rainbow, Gordon, Rebecca, Blackburn, Rebecca, Wilson, Rebecca, Castle, Royal Bounty, Sally, Sheet,

Sally, Roberts, Sally, Allen, Sally, Sinclair, Sally, Trotter, Scipio, Kirkman, Sea-Horse, Philips, Scipio, Kirkman, Severn.

Severn, Henderson, Shaftefbury, Slaner, Sisters Delight, Scott, Smyrna Galley, Garnet, Spicer, Lamont, St. Anna, Delbo, St. Augustine, Noel, Susannah, Roberts, Sufannah, Chalmers, Sufannah, Wood, Swan, Chambers, Sybil, Potts, Syren, Reynolds, Tartar, Pearson, Three Friends, Coppinger, Three Sisters, Masters, Trader's Increase, True Briton,

Two Brothers, Elson, Two Sisters, Two Sisters, Marshall, Two Friends, Mansheld, Venus, Weeks, Unicorn, Matthews, Unicorn, Walters,

From and to

New-York to Jamaica, West-Indies to New-York. Newfoundland to a market. St. Kitt's to London, Newfoundland to Dominica, Ditto to Barbadoes. St. Vincent's to London. Luncrich to Pensacola. belonging to Waterford. London to the West-Indies. Leeward Islands to Halifax. Greenland to Leith, Jamaica to Philadelphia,

Africa to Jamaica, Halifax to Quebec. Honduras to London's Newfoundland to a market, Ditto to ditto, Pensacola to West-Indies. West-Indies to London. Jamaica to London, 33 hhds. of rum and 195

Jamaica to Bristol, From Oporto, Gold Coast to St. Kitt's, Smyrna to London, Honduras to Glasgow. Guadaloupe to Charles-town. Ditto to Boston. Newfoundland to England, West-Indies to New-York,

London to Halifax, Bristol to Jamaica. New-York to Halifax. Newfoundland to a market. Ditto to ditto. Corke to Cadiz. West Indies to Halifax.

Corke to the West-Indies. Jamaica to New-York, 400 hhds. of rum and 20 of Jugar. Newfoundland to Oporto.

Ditto to Ditto. Quebec to Jamaica. New-York to the West-Indies, Greenland to Liverpool, Bay of Honduras to England.

West-Indies to New-York,

retaken.

retaken. retaken. retaken.

retaken. with 260 punch. of rum.

with 400 flaves.

retaken. retaken.

of fugar. with 180 slaves. released.

retaken.

retaken, retaken,

retaken. Watson,

retaken.

Ships Names and Masters. Watson, a transport, William and Mary, Casey, William, Davis, Wilson, Johnson, Wynn, French,

From and to
Jamaica to Philadelphia,
Grenada to Ireland.
Honduras to London.
Clyde to New-York.
Africa to the West-Indies.

•

with rum.

Munich, Dec. 30. His Serene Highness Maximilian Joseph, Elector of Bavaria, who had been ill of the small pox about three weeks, died at a quarter past one o'clock this afternoon in the 51st year of his age, greatly lamented by all ranks of people.

[London Gazzette.]

Cologn, Jan. 9. Letters from Manheim advise, that the Elector Palatine set out the 2d of this month for Munich, to take a formal provisional possession of the Electorate of Bavaria.

Ratisbon, Jan. 4. Immediately after the decease of the Elector of Bavaria, the Elector Palatine got himfelf declared Duke of the Upper and Lower Bavaria, and fent from Neubourg, Commissaries charged to receive the oath of fidelity of the Magistrates and Officers, both civil and military, of the suburb of Ratisbon, dependent on Bavaria; every thing is, in the mean time, to continue on the antient footing, until further orders; but it is to be observed, that according to the express disposition of the treaty of Ofnaburgh, Art. IV. S. q. the fuffrage of the Palatine in the Electoral College shall cease, and that from henceforth there shall be only eight Electors in the Empire.

Ratisbon, Jan. 2. The Austrian troops have entered the Bailiwick of Burghausen. On the other hand, it is presumed that the King of Prussia having promised his affishance to the Electress Dowager of Saxony, that Monarch will seize this opportunity to claim his rights to the Landgraviate of Luchtenberg and the county of Cham; the former situate in the Upper Palatinate, and the latter on the frontiers.

Vol. VI.

Extract of a letter from Munich, Jan. 21.

"The lot of Bavaria is east. The House of Austria enters into possession of all the estates belonging to John, Duke of Bavaria, by virtue of an expectation from the Emperor Sigisfmond, and a convention very lately entered into with the Elector Palatine. These estates include the districts of the regency of Staubergen and Landhut, called Lower Bavaria; besides this, Austria will have the Dukedom of Cham, situate between the Upper Palatine, Bavaria and Bohemia, and the town of Scharding on the Inn."

In March, 1778, the following Memorial was circulated at Ratisbon:

A brief Account of the Succession of the ELECTOR of BAVARIA.

The Elector of Bavaria dying on the 30th of December, 1777, without issue, has produced a most interesting period, and opened a theatre, on which are exhibited scenes of vast political views and pretensions. To judge of these properly, it will be necessary to collect, in one point of view, the claims of the different parties concerned.

The claims of the Palatine House are undoubtedly the strongest and most extensive, and descended to them, on the death of the late Elector of Bavaria, in a regular line, through a long series of ages. Otto, Count Palatine of Westphalia, having been named Duke of Bavaria by the Emperor Frederic I. in the year 1180, (after the proscription of Henry of Brunswick, Duke of Saxony and Bavaria, surnamed the Lion) his grandson

grandion, Otto the Illustrious, thus divided Bavaria: his first son, Lewis the Severe, had the Upper Bavaria and the Palatinate; and Henry, the fecond fon, had the Lower Bavaria, which formed two branches. The fecond title becoming extinct in 1340, the effates of the Lower Bavaria were the same year re-united with those of the Upper Bavaria. Lewis the Sewere, Duke of the Upper Bavaria, and Count Palatine of the Rhine, dying in 1294, left two fons: Lewis, who inherited the Duchy of Bavaria, and was afterwards Emperor; and Rodolph, who fucceeded him in the Palatinate. In 1329, the Emperor Lewis concluded a folemn Convention at Pavia with his nephews, the Counts Palatine, descended from Rodolph, by which they thus divided their estates: Lewis kept the Upper Bavaria, and the fons of Rodolph had the Lower Palatinate, or that of the Rhine; and this part of Bavaria has fince received the name of the Upper Palatinate. At the fame time they mutually engaged conflahtly to affift in the reciprocal succession to their electoral dignity, and to all their estates; promising also, neither to give up, sell, or otherwise alienate any part of them.

This convention of Pavia was confirmed at different times, and always served as the ground-work of their family compacts, which the two branches renewed at different times, as in 1724, 1746, 1761, and 1774. In these treaties were consequently ancluded, not only the Upper but also the Lower Bavaria, which the Emperor Lewis, in 1340, re-united to his line; and this was the fundamental law of that common family, from which none of its branches could depart. Notwithstanding these ties of blood and treaty, an inveterate hatred and emulation had long sublifted between the two Houses of Bavaria and the Palatinate, especially on account of the Electorate and Vicarship of the Empire, which the Palatine line, by the favour of the Emperor Charles IV. folely enjoyed. Frederic, the Elector Palatine, being elected, in 1619, King of Bohemia, by the disaffected States, his cousing Maximilian, Duke of Bavaria, formed an alliance with the Emperor Ferdinand II. and was the principal actor, as Generalissimo of the League, in dethroning Frederic, and driving him not only out of Bohemia, but also from his hereditary dominions. The Emperor Ferdinand II. acknowledging himself indebted to Maximilian in the fum of thirteen millions of floring for the expenses of the war, and put him in possession of the Upper Austria as a security for the payment. Emboldened by the success of his arms in Germany, he proscribed the Elector Palatine as a rebel, (notwithstanding the firm remonstrances of the Electors of Brandenburgh and Saxony against it) seized upon the Upper and Lower Palatinate; and in 1628, fold those two countries, by a formal contract, to Maximilian, Duke of Bavaria, for the renunciation of the thirteen millions of florins, for which he had held Upper Austria as a mortgage; so that the House of Audtria paid that of Bavaria with its own patrimonial inheritance.

The immediate consequence of this grand State juggle was a war of thirty years, which terminated in the year 1648, by the treaty of peace at Westphalia, when the Crowns of France and Sweden caused the following stipulations to be made in the fourth Article of that Treaty: "That Charles Lewis, fon of the unfortnnate Elector Palatine, should be reestablished in the Lower Palatinate; that an eighth Electorate should be created for him; that he should cede the Upper Palatinate, the county of Cham, and the ancient electoral dignity, to the Duke of Bavaria; but that, if the branch of Bavaria, which they called the Guillelmine Line, should

should become extinct in failure of heirs male, then the Rodolphine branch, which is that of Palatine, should succeed to the electoral dignity, (the eighth Electorate should then be abolished) and to the Upper Palatinate, all the other rights of the Palatine line should be preserved, except those which might affest the rights of the allodial beirs of the Elector of Bavaria."

From these indisputable facts, it appears clearly, that the succession of the extinct House of Bavaria is sufficiently determined by the common descendants of the Palatine House, by the Convention of Pavia, by the other Compacts of the two Houses, and by the fourth Article of the Treaty of Peace of Westphalia; so that the Elector Palatine, and on his default, the other Counts Palatine of the Rhine should succeed, not only to the electoral dignity of Bavaria and the Upper Palatinate, which originally belonged to the Elector Palatine, and never ought to be separated from it, according to the twenty-fifth Article of the Golden Bull, but also to the whole of the Duchy of Bavaria, as the inalienable heirs male of the Palatine House, and invested with a perpetual fidei commis by the Convention of Pavia. These titles would be fufficient, without the necessity of renewing them in the peace of Westphalia, in which the principal object was to regulate the restitution of the Palatine House; however, they have referved their rights by a general clause, which cannot but secure the fuccession of Bavaria. Neither can the want of previous investiture be objected to the Palatine House, since it was not the cultom of the two Houses, and that it has never been thought so necessary in that part of Germany which uses the French law as in that which uses the Saxon law.

"As there are, however, in the Duchy of Bavaria, feveral allodial estates, the reversion of which has

been expressly stipulated to the allow dial heirs, and to Princesses, as well in their jointure, as even in the fourth Article of the Treaty of Westphalia. it indisputably appears, that the Electress Dowager of Saxony, as only fifter, and nearest relation and beir of the last Elector of Bawaria, has the sole right to all her allodial successfion; that she ought to enjoy the rights of retention and possession, until the fief be separated from the allodial estate; and that, moreover, the Upper Palatinate ought to be for mortgage for the thirteen millions, for which it had been ceded to the House of Bavaria; and which, even according to the contract of fale with Ferdinand II. in 1628, ought to be reimbursed to the allodial beirs. We find that her Imperial Majesty pretends to take part in this allodial fuccession, under the title of Regression, as descended from the Emperor Ferdinand II. and from his spouse Mary-Anne, daughter of William V. Duke of Bavaria, to renounced claims, to which she thinks she can return; but this pretention is clearly contrary to the constant custom of the House of Bavaria, and of Germany in general, and even to the very principles which her Imperial Majesty supported after the death of Charles VI. and according to which, as the nearest heir of the last possessor of the Austrian Monarchy, she excluded from the fuccession the two Electresses of Bavaria and Saxony, the daughter of the Emperor Joseph I. who was the eldest brother of Charles VI. without permitting them the rights of Regression. The other pretensions which the Court of Vienna forms to the fuccession of the Electorate of Bavaria, are not yet declared, but in a flight and imperfect manner in the patents that Court has published."

In the patent of the 15th of January it is faid, "That all the territories of the Upper and Lower Bavaria, and of the Upper Palatinate, G 2 which which the line of the Dukes of Bavaria, called of Straubingen, and excinct by the death of Duke John, had possessed, devolved to the Archducal House of Austria, in consequence of the real investiture, which the Emperor Sigismond had given, in 1426, to Albert Duke of Austria."

We have good authority in the history of Germany, that the line of the Dukes of the Lower Bavaria, called also of Straubingen and of Holland, which descended from Albert, fon of the Emperor Lewis, who married the heiress of Holland, becoming extinct in 1424, by the death of the last Duke John, the three Dukes of the Upper Bavaria, of the lines of Landshut, Munich, and Ingoldstadt, supported their claims to the succesfion by arms; that Albert, Duke of Austria, interposed in behalf of his mother, who was fifter of the last Duke, and that the Emperor Sigifmond, his father-in-law, had even appointed him to the Government of the Lower Bavaria, which the Emperor sequestrated under the pretence of its devolving to the Empire, on account of the war the Dukes of Bavaria had commenced. " We may, however, eafily conceive, that the Emperor could neither feize on nor give to an alien a male fief, such as that of the Lower Bavaria, while the collateral branches of that House existed. This principle so far prevailed, that the Emperor Sigismond, in 1429, in an Assembly of Peers, or of arbiters, convened at Presburg, pronounced a definitive sentence, which still exists, and by which he adjudged all the Lower Bavaria to the four Princes of the House of Bavaria, without paying any regard to the pretensions of the Duke of Austria, who also agreed there-20. It cannot be easily conceived upon what ground the Court of Vienna can claim an investiture from 1426, which at any rate can be only provisional, which was always contrary to the Constitutions of the Empire, and to

the indubitable rights of the House of Bavaria, and which after all, had been even revoked and annihilated by a posterior and formal sentence, pronounced with a knowledge of the cause by the same Emperor, from whence he should have received the said investiture."

A second patent, of the 16th of January, announces, "That her Imperial Majesty took possession of the territory of the Upper Palatinate, which are fiefs of the Crown of Bohemia, as fiefs disengaged, and devolved to that Crown after the extinction of the male line of William of Bavaria. This pretension appears to be directly contrary to the fourth Article of the Treaty of Westphalia; since, according to the express tenor of that Article, the Upper Palatinate was, after the extinction of the line of Bavaria, to return to the Palatine line; and as there be not the least exception thereto, it naturally ought to return to that line. in like manner as it was possessed by the House of Bavaria, and formerly even by berself. Hence it follows, that the fiefs of Bohemia, fituated and incorporated at all times in the Upper Palatinate, and possessed by the Counts Palatine, and afterwards by the Dukes of Bavaria, (in consequence of the sale of the Upper Palatinate, which Ferdinand II. made to them in 1628) ought, with that country, to return to the Palatine line; and the more so, as the Empeperor Ferdinand III. King of Bohemia, principal contractor of the peace of Munster, has made no exception to these fiels; consequently, the prefent Queen of Bohemia, as his descendant, can have no claim upon these siess as being vacant, nor to dispute them with the Palatine House, to whom simultarious investiture had been previously secured by the express terms of the Treaty of Peace. These arguments acquire a new tone when we consider, that these territories (the feudal property of which has becn

been acquired by the Kings of Bo. hemia only by bargain, and other disputable transactions, of the Emperor Charles IV.) have originally belonged, for more than five centuries, to the Upper Palatinate, which forms one integral part of of the undisjointed electral Palatinate, according to the twenty-fifth Article of the Golden Bull: and as the Palatine House was deprived of it by the Peace of Westphalia, only during the existence of the line of Bavaria, so after the extinction of that line it ought to return to it, with the rest of the Upper Palatinate.

"The letters of investiture of the Crown of Bohemia make no opposition to it, since they confer these sies to all the legitimate beirs of the House of Bavaria—a quality which cannot be denied the Palatine Counts; there is not even mention made of male heirs; which, if otherwise, would not affect the Palatine Counts, who descend in a direct line, and from the male branches of the ancient Dukes of Bavaria and Palatine Counts, the first acquirers and constant possessor their fies, and well as of all the Upper Palatinate.

According to a third patent, her Imperial Majesty has taken possession of the principality of Mindelheim, in Swabia, by virtue of an expectancy, which the Emperor Matthias should have given to the Archducal House in 1614. We cannot judge of the validity of this expectancy before we fee it; but we know that the Duke Maximilian of Bavaria, having bought the Lordship of Mindelheim as an al-Iodium, the same Emperor Matthias, in 1618, conferred it on him as a part of the Empire, in quality of an hereditary fief, and thereby annulled the preceding expectancy.

After all that has now been faid, and which can be easily verified in the most circumstantial manner, it evidently appears, that the titles insisted on in the patents of the Court of

Vienna are totally void of foundation. and by no means proper to justify the step she has taken, and is improving, by over-running a great part of Bavaria with a powerful army. If the Elector Palatine, considering their fuperior forces should have been prevailed upon, as it is reported, to acknowledge the pretentions of the Court of Vienna, and cede to it, by Covention, the Lower Bavaria and a part of the Upper Palatinate, a like cession would by no means be proportioned to these pretensions, it would rather be contrary to the ancient and strongest rights of the Palatine House, as well as that of the allodial heirs; it would act in oppofition to all the fundamental compacts of the House of Bavaria, to the Peace of Westphalia, to the Golden Bull, and to all the feudal and allodial systems of the Empire. This lesfon, void in itself, and indeed more fo by the violent means that were em ployed to extort it, by enormously disjointing two of the greatest Electorates, would overturn the equilibrium of power in Germany, and, in its consequences, the security and liberty of the Germanic body. therefore follows, that every State and Member of the Empire, as well as every Power which takes part in its prefervation, are equally impowered and interested to interfere, to demand redress, and to claim justice and moderation from their Imperial Majesties.

"In another patent of the 24th of January, we see that his Imperial Majesty has caused possession to be taken of a great number of counties, lordships, and territories, as vacant siefs of the Empire, which he intends to incorporate with the dominions of the Empire, according to capitulation. It should seem that, instead of seizing and sequestering those territories, which have hitherto been considered as siefs or allodiums of the House of Bavaria and its heirs, they ought to have

Kave been left in the possession of the feudal and allodial heirs, till their titles and qualities had been properly examined at leisure. As his Imperial Majesty promises to do right to all parties, we may reasonably expect from his justice, that he will proceed in a manner consistent with the ancient Constitutions, that he will not dispose of these siefs without the concurrence of the Empire, and not suffer his own troops to keep possession of them."

For the REMEMBRANCER.

It beg you will publish the underwritten, being an answer to a part of a letter under the signature of Frederick George Mulcaster, and directed to Governor Grant, which is in one of your former volumes:

St. Augustine, 16th June, 1777.

ce From the first of my introduction to you, and the letter you received from Governor Grant in my favour, made me happy in thinking that I had a Gentleman whom I might call my friend in St. Augustine; and on parting, you were pleased to tell me, if it lay in your way to serve me, I should not be forgot.

"In perufing the Remembrancer, No. 4, I find among other letters contained in it, one under your fignature, directed to Governor Grant, which I now fend you a copy of that

part respecting myself.

"The Barrack-master, Shirreff;
"I cannot say so much for; I do not
"fee any one that likes him, not
"from being a bad person, but from
being a fool, talking nonsense; a
blundering forwardness; and although, I believe, wishing to be civil, very rude. By all accounts
he is as unlike his brother at Boston
as two can well be; I am very
well acquainted with him, and I
am only pestered by his continually plaguing me to come and

"drink tea with his wife, who is as "fiff and prim as Mrs. Catherwood: however he dines with me

to-morrow, and also Chamier,
Lieutenant Graves and Captain

" Barker of the 16th regiment.

Signed, FRED. GEO. MULCASTER."

Governor Grant. Oct. 3, 1775.

"As I am fensible the intention of the rebels is to endeavour to set friends, at variance by spurious additions, and that I think this is some of their production, I cannot possibly surmited that any Gentleman could possibly act in this manner, as I have for twenty sive years past lived with reputation, and should never think of coming to East-Florida to lose it.

I am, Sir, Your most obedient Humble servant, CHARLES SHIREFF."

New-York, July 15th, 1777.

" I was a good deal furprized at the contents of your letter, which I received a few days ago. - You must eafily have judged from every circumitance of my behaviour to you before as well as after General Grant's recommendation, that my fentiments towards you, must be very different from the letter inferted by fome malicious, ill-defigning person, not a word of which is in the least like my file of writing; my recommendations of you, and of your attention to your office, to the Commander in Chief fince my arrival here, and ufing my utmost assistance to increase your income, is a strong proof that my opinion of you was very different from that apprized in my former letter: from all these circumstances. I am fure you must be persuaded how much I not only wished, but endeavoured to be your friend, confequently could not have represented you in a different character from that which you deserve; therefore am fure

fare you must believe me, as I always have been,

Your fincere friend, FRED. GEO. MULCASTER," To Charles Shirreff, E/q.

> (C O P Y.) London, April 23, 1761.

" Sir,

"As you have applied to me for a flate of the services of the province of Massachusetts Bay, which I commanded, so far as relates to the general service, under the King's General, in the year 1759, the follow-

ing are the facts:

"Knowing that a number of provincial troops would be wanted for the year 1750, to co-operate with the regular troops under the command of the King's General, in the fame manner as had been in the years before; and confidering that the waiting for the King's orders might occafion unnecessary delays, I engaged the General Court of the province of Massachusetts-Bay to provide levymoney, pay and cloathing, and to make fuch other laws as were necesfary for the raising 6500 men even prior to the King's commands, or the interesting object of his gracious promile of recompence. By these means the troops of this province were ready so proceed on service on the first notice, and long before those of any other. General Amherit desired that 2500 of these so raised might be ready to proceed with the regulars, to embark at Boston; that I might have 2500 compleat and felect, I ordered down to Castle William 3000 men; from these, Colonel Burton, who commanded this embarkation, compleated 2500. The King's letter required of the province nothing but levy, pay, and cloathing: but as Mr. Amherst feared there might be some difficulty, if it were even possible, to provide these Provincials with arms at Louisbourg and Nova Scotia, I further engaged the province to enable me to provide these troops with arms; and thus compleated and armed, they failed wich the first embarkation, some in the middle, others at the latter end of April, to the following posts: 1000 to Louisbourg.

500 to Lounbourg.
500 to Fort Cumberland,
300 to Halifax,
200 to Lunenbourg,
250 to Annapolis,
250 to St. John's,

Which troops, as they relieved theregulars in the above garrisons long before any of the troops of the other provinces joined the King's forces. enabled Mr. Wolf and Mr. Saunders to proceed up the river to the attack of Quebec much earlier than could possibly have been expectedmore, at the request of Mr. Wolf. went up the river St. Lawrence to affift at the fiege of Quebec-4co more of these troops, armed also and fupplied with ammunition, acted under my command in the taking and establishing the possession of the Penobicot country, a fervice expressly considered by Mr. Amherst as a branch of the general service; the remaining 2300 marched the middle of April (I think the 12th) to Worcelter, the place appointed by Mr. Amherst for the muster. troops were, as the troops of the other provinces were, raised for this campaign, and their time of fervice ended with the campaign. The 2500 Provincials which I fent to Louisbourg and Nova Scotia, were, by express agreement with Mr. Amherst. to be relieved by the regular troops at the expiration of their time of fervice, or as foon after the campaign ended as possible. Upon the ending of the campaign, the troops of all the provinces were dismissed: part of the regular troops employed up the river St. Lawrence were those destined to relieve my province troops at Louisbourg and Nova Scotia. Upon the reduction of Quebec, it became necessary

cessary to detain all those regulars for the garrisoning of Quebec and its dependencies. Mr. Amherst had no . other troops which he could fend to Louisbourg and Nova Scotia. I faw this difficulty in which the King's fervice was involved, laid it before the General Court, and, prior to any request of the King's General, and even beyond what he could have requested, proposed to them the continuing to garrison these posts in Louisbourg and Nova Scotia with the province troops. With the same disinterestedness and alacrity with which upon all occasions they had hitherto stood foremost in the King's service, they provided levy money, pay, and cloathing, for as many, not exceeding 2500 men, as I could engage to do duty in the faid garrisons. I had the fortune to engage at Louisbourg all that Mr. Whitmore wanted (about 500)—and the most part of those in Nova Scotia, in all, at least, about 1750; I cannot be precifely exact as to the numbers continuing in each post, as the total interruption of communication with these posts all winter prevented the returns being regularly made; to these, at the expence of the province, I fent down 31. sterling per man levy money, and fresh cloath. ing; and as through fome doubt, whether the establishment of Nova Scotia, or that of the garrison under the ordinance, were to provide bedding in the garrisons of the Bay of Funda, the troops were deficient in fuch, I fent also from the province barracks at Castle William bedding . belonging to the province, to supply these garrisons; all which charge of levy, pay, cloathing and bedding, for this winter's fervice, was a diftinct charge from that of the 6500 for the summer, supported solely by the province of Massachusetts-Bay, and performed fingly by the troops of the faid province, and is therefore an addition of at least 1750 men to be made to the eltimate of the service of the said province for the year 1759, besides the extra service of arms and bedding: this is a matter due in strict justice, even if no consideration be added on account of the strenuous of forts and active vigour of this province exerting itself in services so singular and essential, beyond all proportion of its abilities.

If the above state of facts can be any way used in the doing justice to the province, they are at your service to use as you half for example.

to use as you shall see occasion.

I have the honour to be, Sir,

Your most obedient, and most humble servant, (Signed) T. Pownall."
To Wm. Bollan, Esq. Agent for

the Province of Massachusetts-Bay.

The following particulars of the life,
Sc. of General WOOSTER, who
was killed in the action near Dan-

hury, was lately published in one of of the Boston news-papers:

He was born at Stratford, in Connecticut, on the second of March. A. D. 1710-11, was educated at Yale College, where he was graduated in the year 1738. Soon after the Spanish war broke out in 1739, he was employed first as a Lieutenant and then as the Captain of the armed vesfel built by this Colony for a Guarda After this he engaged in the military fervice of his country, and was a Captain in Colonel Burr's regiment, in the expedition again? Louisbourg in 1745. After the reduction of that place, he was fent to France with a party of the prisoners tiken thefe, and from thence went to England, where he received the honour of a Captaincy, on the establishment, in Sir William Pepperel's regiment. During the peace, which foon followed, he received his half-pay, and was chiefly employed in his private affairs. When the war with France was renewed in 1735, he was foon thought of as a gentleman qualified for an higher sphere of eommand,

and

and ferved his country as Colonel and Commandant of a brigade to the end of the war.-From the first rise of the present controversy with Great-Britain, in 1764, though his interest as an half-pay officer, might have apologized for him, if he had observed a perfect neutrality, yet so fully convinced was he of the ruinous measures of the British Court, and so jealous was he for his country's rights, that, regardless of his private interest, he took an open and decifive part, and avowedly espoused the cause of America, and perfifted in that line of conduct to the day of his death. As foon as hostilities were commenced in the Lexington battle, the General Affembly of this colony fet about raising an army, and Colonel Woofter, from his approved abilities, well known courage, and great experience, was appointed to the chief command. The same summer he was appointed a Brigadier-general in the Continental fervice. Honoured with their commissions, he first commanded the troops fent to guard New-York, where it was expected that a part of the British army, which came over in 1775, would land. In the latter part of that campaign, he with his troops, went into Canada, and affisted much in the reduction of St. Iohn's, Montreal, &c. and after General Montgomery's death, had the chief command in that Province. He returned home in the fummer of 1776, and not long after was appointed first Major-general of the militia of Connecticut. He had been out the whole of the last winter, at the head of a body of men raised by that State for our own fecurity, and was but lately returned; when on Saturday the 26th ult. he received the news, that the enemy in a large body had landed at Compo. immediately set off for Fairfield, leaving orders for the militia to be mustered and fent forward as fast as posfible. When he arrived at Fairfield, Vol. Vl.

finding General Silliman had marched in pursuit of the enemy, with the troops then collected, he followed on with all expedition, and at Reading overtook General Silliman with a fmall body of militia with him, of which he of course took the command, and proceeded the same evening to the village of Bethel. Here it was determined to divide the troops. and part were fent off under Generals Arnold and Silliman, the rest remained with General Woofter, and them he led by the rout of Danbury, in pursuit of the enemy, whom he overtook on the Sabbath about four o'clock, near Ridgefield. Observing a party of the enemy who feemed to be detached from the main body, he determined to attack them, though the number of his men were less than two hundred; he accordingly led them on himself with great spirit and resolution, ordering them to follow him. But, being unexperienced militia, and the enemy having several field-pieces, our men, after doing confiderable execution, were broken The General was and gave way. rallying them, to renew the attack, when he received the fatal wound. A musquet-ball from the distance of fifty rods, took him obliquely in the back, broke his back bone, lodged within him, and never could be extracted. He was removed from the field, and his wound dreffed by Doctor Turner, and was then conveyed back to Danbury, where all possible care was taken of him. The furgeons were from the first sensible of the danger of the cure, and informed the General of their apprehensions, which he heard with the greatest composure. The danger foon became more apparent, his whole lower parts became infensible, and a mortification, it is thought, began very early. ever, he lived till Friday the 2d of May, and then, with great composure and refignation, expired. It was defigned to bring his remains to New-Haven,

Haven, to be interred there, but this was found impossible, and therefore they were interred at Danbury.

From the Continental Journal, printed at Boston.

By a gentleman who was taken in April, and was carried to Ireland, and is lately from France, we have the following accounts of Colonel ETHAN ALLEN's treatment, which we publish according to the request of some of the principal gentlemen in the kingdom of Ireland, and peculiar friends to the cause of America.

ENGLISH HUMANITY, and GENE-ROSITY, exemplified in the cafe of Colonel ETHAN ALLEN, and his

fellow prisoners.

The capture of the unfortunate gentleman, with 24 New-Englanders and 9 Canadians near St. John's, and their subsequent treatment in Canada, are too well known to require a repetition at this time—We shall therefore confine ourselves to a narrative of their sufferings from the time of their embarking at Quebec until their departure from Cork on their return to America.

Some time in the month of October 1775, they were, by order of Governor Carleton, put on board the Gaspee brig, bound to Englandduring the whole passage they were confined in the cable tier (a space about 12 feet long and 10 feet broad) heavily fettered and handcuffed-one. hour only out of the four and twenty was allowed them to come on deck to take the air, and answer the calls of nature—on their arrival in England, they were confined in Pendennis Caltle, where they remained only a few days, Government having immediately given an order to Captain Symonds of the Solebay frigate, to carry them back to America—their irons were taken off at the same time. This change of treatment the prisoners received would certainly reflect great credit on the humanity of Govern-

ment, did not a speech of Lord North's in the House of Commons inform us, that the apparent lenity of not having them condemned to an ignominious death, was only through sear of a rigorous retaliation on the English who were prisoners in America-the Solebay arrived in the harhour of Cork about the beginning of December, and as the weather was intenfely cold, the fituation of the prisoners on board was truly deplorable-deftitute of any cloathing, but the light dress they happened to have on at the time of their being taken. and which confisted only of a thin waistcoat, shirt, breeches, stockings and shoes, and of which, being worn without intermission upwards of four months, there fearce remained a rag together-thus circumstanced, they were obliged to convert a blanket (given by Governor Cramatee at Quebec to each man) into a kind of loofe coat, to enable them to frand the cold on the deck, as they were obliged to work the fame as the crew, from whom, however, their fituation was very different, for after getting wet to the skin, none of them had a dry jacket or shirt to put on, or a blanket to cover them when laid down.-When their forlorn fituation came to be known, a subscription for their relief was fet on foot in Cork and Dublin, in consequence of which there was provided for each of the common men a warm loofe coat, breeches, jacket, shirt, cap, pair of shoes, pair of stockings, one pound of tea, and fix pounds of fugar-by this time seventeen of the prisoners were removed from the Solebay to the Active and Acteon frigates as foon as the feven last mentioned articles were got ready, a person was fent down with them in order to divide them properly among the prifoners on board the different shipsfor this purpose he went first to the Solebay-Captain Symonds was not then on board, but the Lieutenant,

who commanded in his absence, after a good deal of storming at the people of Cork for misapplying their charity fo far as to extend it to rebels, placed a centinel over the goods, and would neither suffer them to be divided nor the shares intended for the prisoners in the Acteon and Active to be carried to them.—Captain Symonds, however, in a day or two after, fuffered the cloaths to be divided among the prisoners in his and the other frigates. The sugar and tea for the fixteen prifoners on board his own fhip, he likewise ordered to be given to them-we could wish to draw a veil over the sequel, were it only to fpare the humane reader the painful fensations that must arise in the breast. when he is informed that the tea and fugar provided for the seventeen poor wretches in the Acteon and Active, and so necessary for them in their drooping fickly condition, were most inhumanly kept from them by Captain Symonds, and given by his orders to the failors and marines of the Solebay. Every person endued with the least spark of humanity must view with horror, the unfeeling wretch who committed so atrocious a deed as to rob the forlorn captive of what the hand of charity had provided for him.

Soon after this transaction, the watch-coats and breeches were fent down, and the person who had charge of them, carried a polite letter to the Captain of the Solebay, requesting his permission to have them divided according to the intention of the charitable donors—forry we are to fay that so reasonable, and so humane a request, and which a man of fentiment could raise no emotions but fuch as are of a pleasing kind, had no other effect on Captain Symonds, than violently exciting his choler, which he vented in a volley of oaths and epithets (fuch as rebels, &c.) ap-

plied to the people of Cork and Dublin-the conclusion was, that he would not fuffer the cloaths to be put on board; highly exulting at fo matchless an exploit, he immediately went on board the Bristol, Commodore Sir Peter Parker, where he related the affair in such terms as he thought proper—the particulars of what passed on the occasion are not known; but the distinguished character of Sir. Peter Parker as a humane man, as a gentleman, and as a brave and good officer, leave no room to doubt that he expressed a disapprobation of so ungenerous a proceeding-indeed the event places the matter beyond a doubt, for it appears by one of Colonel Allen's letters, that the watch-coats and breeches were delivered to the prisoners by order of Sir Peter Parker-and here let us also pay the tribute, justly due to the humanity of Captain Atkins of the Acteon, and Captain - of the Active, whose prisoners have experienced every indulgence that could be expected from a brave and generous enemy; -in regard to them we may well conclude in Colonel Allen's words, God bless the benevolent and the brave.

Thus far relates folely to common prisoners—the fituation of Colonel Allen whilst on board the Solebay, will fully appear from the following letters written by him to a friend in Cork:

LETTER from E. A. to

• Mr. Allen is prohibited writing to Cork—you will therefore excuse his neglect concerning the generous contribution from Dublin, viz. watch-coats and breeches for the prisoners—they are much needed, and as the other cloathing has been received by them, I conclude the said addition

This letter was written by stealth as opportunity offered—Allen's fears of being put in irons, had his letter fallen into Captain Symonds's hand, suggested the idea of writing it, so as to appear the anonymous letter of a third person.

H 2 would

would also be allowed of, if it were fent, though the officers are not pleafed to see rebels, as they call us, so courteously treated.-Mr. Allen is totally refused by the officers to be treated in character, though he had from the hand of generofity, been abilitated to appear so; he has, nevertheless, been allowed the cloathing, tea, and eatables sent, part of the wine and spirits were not permitted to be delivered to him. It is to be observed notwithstanding, that since the reception of those honourable donations from Cork, Mr. Allen is much more noticed by the whole ship's crew (officers included) than He has lately been unwell, but is recovering; the Doctor of the Solebay is kind; God bless the benevolent and the brave, and shower down his curses on tyrants and dastardly fouls.

N. B. This moment the watchcoats and breeches were prohibited to come on board; concerning the tea and sugar sent for my fellow-prisoners, part they received, and part was divided among the ship's crew.

LETTER.

Dear Sir.

You are to understand that I am under the meridian of an arbitrary power; the least affront would subject me to intolerable evil, and it is uncertain whether I shall be changed soon after our arrival on the coast of America. I expect the prisoners will be delivered to the disposal of Lord Howe, or Commander in Chief of his Majesty's troops. If on account of those that are prisoners in America, policy controuls matters so that I am exchanged, it is well; but if other-

wife, I expect to fuffer under arbitrary power on board a man of war. Government could not so effectually punish and afflict me were I imprifoned in England. I dread the confequence, and dare not answer your questions, and desire you would publish nothing in my name. Possibly the papers might be communicated to the steet before I am set at liberty, which might put me to additional trouble.

LETTER.

Sir,

If you have any opportunity, write to your correspondents in America, that I am severely treated on board the Solebay frigate; pray God that the Generals of the American armies may effectually oblige the King's General to exchange me. I am now recovering my health, which I have no reason to think I ever should, had it not been for the donations I have received in this country. The fugar, tea, coffee, and chocolate, supports my drooping constitution. In fine, those gratitudes (the cash included) put it in my power to procure warm lodgings • and good attendance, without which it would have been impracticable. Your's, &c.

LETTER.

Sir,

I have not informed you of my ill-treatment on board this ship, though it is much better than I experienced before, the most of the time. I requested of Captain Symonds a warm birth, that I might be in a circumstance to doctor and recover my health; he answered me, † G—d d—n you, what do I care about your health.

† Lord Cornwallis having a defire to fee Colonel Allen, went on board the Solebay for that purpofe. When he was called up to the quarter-deck, Captain Symonds addressed him as

What he calls warm (and feems to think good lodging) was the Master at Arms birth, who for the sake of partaking of his sea stores permitted him to remove into it, and occupy the vacant space, which was just sufficient to sling a hammock; compared to his situation at first, it was the heighth of luxury.

health, you are a d-'d rebel, and no matter what becomes of you. The part of the ship assigned for me, was in the way of the cables, and the conflant shifting of them made it very damp, where I took a great cold; fince that the master at arms has taken me to his birth, where I am recovering; the petty officers privately shew me respect, but dare not do it openly. The last two weeks I have been obliged to keep my hammock most of the time; fince I have got about, I find a report circulated among the officers, nay, I am told it has reached Cork, viz. that I keep drunk a great part of the time; I affure you, that I dare not drink but about three glasses of wine in a day; I never was addicted to hard drinking in my life; your generofity shal! be well and wifely expended, as it was generously bestowed. Possibly the rumour was spread to justify the depriving me of the spirits and wine, which I wrote of to you; I return you thanks for the fowls, fugar, and fundry small articles by your last mes-Tenger; you cannot do me so great a kindness as to write to your correspondent in America about me. never been permitted to write to my friends fince I have been a prisonerpray keep an eye on this object. Since writing the above, the 32 watch-coats and 33 pair of breeches have been received by order of Sir Peter Parker. I am, &c.

N. B. The reader is defired to confider that these letters were written under all the terrors of a severe punishment, had he been detected in the breach of the Captain's orders; allowance therefore should be made for any defect of stile, or inaccuracy of expression in his distracting situa-

tion. It is, however, very doubtful whether Captain Symonds, or any of his officers, can produce any writing of their own composition, equal either in sense or language to the letters of this unfortunate gentleman, whom they industriously represented as a low-lived, illiterate fellow; many people in Cork seemed to think it a proof of loyalty, to affure the public of his having been a taylor, a barber, a shoemaker; in short, every thing but what he really was, a man of a landed property in the back part of Connecticut. No doubt they imagined these representations a sufficient excuse for any cruelty that might be inflicted on him.

We must not omit the repartee of Colonel Allen to a Scotch officer, who in the presence of a number of ladies damned him for a scoundrel, and asked him how he durst carry arms against King George? "Why, really, Sir," said Allen, "I don't know, except it is that I am of a Scotch family, and you know the Scotch were always a damned rebellious crew." It is needless to say, that the officer was so compleatly mortified, as to be unable to make a reply.

Bristol, Nov. 4, 1777. On Tuefday a very numerous and respectable meeting of the independent citizens of Bristol was held at the Coopers Hall, in King-street, to commemorate their success at the late election of Henry Cruger and Edmund Burke, Esqrs. to be their representatives in Parliament. A number of loyal and constitutional toasts were drank, and the evening was concluded with the greatest chearfulness and harmony—They were honoured with the com-

follows: "Mr. Allen! why do you keep fo much below? You ought man to come upon the quarter-deck and divert yourfelf, you'll ruin your health if you give way to despondence; by all means keep up your spirita." By this it appears that he was assammed to let Lord Cornwallis know the ungenerous treatment the unhappy prisoner had experienced. It was but a few days before that he had ordered him to quit the quarter-deck, adding that it was a place for gentlemen, and not for such blackguards as he.

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pany of Mr. Cruger, and feveral gentleman from the country; and the following letter from Mr. Burke to the Stewards was read:

Beaconsfield, Nov. 1, 1777.

Gentlemen,

"You will be so good to prefent my best and most affectionate compliments to our friends who are to meet on the 4th of this month, and affure them of my real concern, that my affairs, and the advanced and unexpected feafon of the year will not permit me to make one amongst them in the good-natured and chearful enjoyment of our annual festival.

"The 4th of November can newer return without giving me a pleafing sense of the high honour which I received on that day. It renews in my memory the obligations which I have to fo many worthy friends; and what is better, it revives and refreshes in my mind those principles for which I originally was indebted for your favour. I wish, that on both sides, we may never forget them—you, the things you committed to our trust, and we, the importance of the trust which we received. A feafon fomewhat cloudy may try our patience and perseverance for a time; but a day I trust will come, when we may act with a little more fuccess, because with a little more affiftance from feveral of our countrymen; from whom, by mistake, and misconception of our meaning, we have been divided; and when a bitter experience has taught to several persons, that prudence and moderation which they would not submit to learn from reason and forelight.

"But whether the disposition of the conductors or abettors of the prefent measures shall alter or not, I trust that you will always find me upon my old ground, a well-wisher to the peace of my country, and a real friend to the liberties of all parts of it, according to the best notions

which so limited a capacity as mine is capable of forming on this great I will continue to act as I fubiect. have acted hitherto, and in concurrence with those whom an uniformity of principles and characters have united in the public cause. doubt, that I shall meet my friends in Parliament animated with their ancient fentiments, and ready to take such a part, either of vigilant observation, or vigorous action, as the time and circumstances shall require from known experienced men. who form their principles on the truth of things, and direct their conduct by their opportunities.

" Our task is difficult. We shall certainly do our best. But when circumstances admit your assistance, you ought not folely to rely on us. be assured, that it is not Members of Parliament, nor men in any other public capacity, which have made you or any other people safe and free, if they have been wanting to themselves. Believe me, it is a great truth, that there never was, for any long time, a corrupt representative of a virtuous people; or a mean, fluggish, or careless people, that ever had a good

government in any form.

"The Gentlemen will permit me to renew my thanks to them on this day, so happy and honourable to me, and which (on the whole, and with their favourable and indulgent construction) will, I trust, not be difgraceful to them. I shall always, indeed, be in want of great indulgence from them of account of the weakness of my abilities; but I shall entitle myself to it, by my good intentions. The city of Bristol may very easily find a representative more knowing and able, but none, I believe, more faithful or more grateful.

" I am with the highest esteem

and regard, Gentlemen,

Your most affectionate. And obedient humble fervant, EDMUND BURKE." Newbern,

Newbern, (North-Carolina) Nov. 21.

On Saturday last, a sufficient number of the members of Assembly appearing, they immediately proceeded on business, and are now fitting on the important business of the State. On Tuesday the House of Commons resolved itself into a Committee of the whole House, to consider the expediency of opening the Land-Office. and granting the vacant lands in this State; when they came to a refolution for opening the faid office, and granting, as well the lands in Lord Granville's diftrict, as those lately in the King's part, and appointed a Committee to prepare and bring in a bill for that purpose.

Dec. 26. On Wednesday last the General Assembly of this State, sinished the business of the session, having passed forty-eight bills, many of them of great consequence, particularly a bill for establishing courts of law, and a bill for opening the Land-Office, and granting the vacant lands in this State. After which both Houses adjourned till the first Monday in April next, then to be held at

the Palace in Newbern.

The Hon. Samuel Ashe, Samuel Spencer, and James Hedell, Esq. are appointed Judges of the supreme Courts of this district; and Waitstill Avery, Esq. is appointed Attorneygeneral for the province.

In Congress, December 3, 1777.
Whereas the Baron de St. Ouary, a gallant gentleman of France, engaged as a volunteer in the service of the United States, was lately, by the fortune of war, made prisoner by the

British troops,

Resolved, That Gen. Washington be directed to propose to Gen. Howe, that Baron de St. Ouary be permitted to return from his captivity, agreeable to the practice of Europe, respecting volunteers; that if General Howe shall refuse this, it be proposed to take the Baron's parole for his enlargement. Congress engaging, when an

exchange takes place, to return a British officer for the Baron de St. Ouary; and that General Howe be informed, if neither of these propositions be accepted, that it is expected that the gentleman will be treated as a prisoner of war, having respect to his merit and rank in the French army.

Published by order of Congress,

CHARLES THOMPSON, Sec. New-York, January 19. The Americans are preparing an expedition against Canada; for which purpose the fifth man of the militia of of this and some other provinces have orders to hold themselves in readiness.

Annapolis (in Maryland) Dec. 1. Extract of a letter, dated York-Town,

Nov. 24, 1777.

"You may probably have heard, that General and Lord Howe have made propositions of peace to Congress, and as these matters are generally much misrepresented, I will give an account of that embassy, as well as I can recollect:

John Brown, a Quaker, of Philadelphia, (and a partner to John Cornthwaite, of Baltimore) was sent for by Mr. Thomas Willing and General Howe (I should have told you Brown had been long connected with Willing and Morris, and employed by them as a corn-factor)—thefe gentlemen proposed to Brown to carry a message to R. Morris, desiring him to communicate the same to Congress, the purport of which was, that Lord and General Howe would treat with Congress as such. That, as preliminaries, they would withdraw the British troops, would grant the Americans every thing they claimed in 1767, and more, would confirm the Continental currency, &c. Brown's arrival at Morris's, he was much at a loss how to treat this mesfage, but determined to bring Brown with him to York. In the mean time, while he was ready to proceed with Brown, he fent him to Lancaster.

master, to give the Council such intelligence, touching Philadelphia, and their friends there, as they might judge necessary, but to conceal his The Council arrested Brown for a fpy, which made it necessary for Mr. Morris to interpose in his behalf. He however brought him to this place, and related the nature. of his business to Congress, who declined hearing Brown on the subject, but directed the Board of War to arrest and send him under a guard to Lançaster, to be there delivered to the Executive Council. Thus ended the treaty. I have no doubt Brown has been employed in this business, and that General Howe wishes a retreat on honourable terms, but the manner he took to found Congress could not be listened to by Free and Independent States. A letter received this evening from General Mifflin, fays, Burgoyne's troops had mutinied on their march to Boston, that the guards were obliged to fire on them to suppress the mutiny." General Gates, in a letter of the 10th fays, " the greatest part of the German troops had already deferted, and many of the British."

In RIVINGTON's New-York Paper is the following account of General' BURGOYNE's army, viz.

Extract of a letter from Albany, dated Oct. 26.

"You have doubtless before now heard of the furrender of General Burgoyne, and his whole army. It was a glorious fight to fee the haughty Britons march out and furrender their arms to an army, which, but a little before, they despised, and called poltroons; they, however, before the furrender, were convinced of their error, having, in the two engagements preceding, seen the greatest bravery that ever was displayed, and the most consummate Generalship exercised. The enemy acknowledged the spirit and bravery of our officers and men,

and do not hesitate to say, that the idea, held up to them of the Americans, was false.

"We have taken in the whole, fix Generals, viz. Lieutenant-general Burgoyne, Major-generals, Phillips and Reidesel; Brigadiers, Hamilton, Speght, and another German, whose name I do not recollect.

General Burgoyne and Staff, 12 British officers and soldiers, by

capitulation, — 2442 Foreigners, by ditto — 2198 Canadians, Tories, &c. fent

to Canada, — 1100 Sick, — 598 Wounded, — 528

Prisoners of war before the capitulation, 400

Deserters, about — 300 Lost at Bennington, — 1220

Killed between Sept. 17, and
Oct. 18, — 600
Taken at Ticonderoga, 413

Taken at Ticonderoga, 413
Killed at G. Harkemer's battle
and at Fort Schuyler, 300

Total 10,111

37 Brass cannon, royals, mortars, with implements and stores compleat. 5000 Stand of arms.

400 Sets of harnefs.

A confiderable number of ammunition waggons and harnefs. Six field-pieces taken at Bennington; two ditto and four royals taken at Fort Schuyler."

[Rivington is the King's printer at ...

New-York.]

A List of his Majesty's armed wessels, boats, &c. which brought the army under General Burgoyne over Lake Champlain in campaign, 1777.

26 Ship Royal George, 20 twelvepounders, and 6 six-pounders

22 Ship Inflexible, 16 nine-pounders, and 6 three-pounders.

14 Schooner Maria, 14 fix-pounders.

14 Ketch Thunderer, 14 twentyfour pounders.

12 Schooner

Guns.

12 Schooner Carleton, 12 fix-pounders.

20 Brig Washington, 16 six-pounders, and 4 three-pounders.

8 Sloop Lee, 8 fix-pounders.

9 Hoy Royal Convert, 9 ninepounders.

7 Sloop Jersey, 7 nine-pounders. Jo Gun-boats, with 1 three-pounder.

4 Ditto, of 1 two-pounder.

2 Ditto, of 1 twenty-four pounder.

9 Ditto, of 1 twelve-pounder.

13 Ditto, of 1 nine-pounder.
6 Ditto, of 1 two-pounder.

4 Provision vessels from 60 to 30 tons.

23 Ditto, long boats.

3 Twelve oar barges.

26 Cutters.

260 Batteaux.

10 Flat-bottomed boats.

N. B. Eighty-eight swivels and howitzers, dispersed in the above sleet.

By his Excellency Sir Henny Clinton, Knight of the most Honourable Order of the Bath, Lieutenant-general of his Majesty's Forces, &c. &c. &c.

PROCLAMATION.

Whereas it is confonant not only to the common principles of humanity, but to the wisdom and policy of all well regulated States, in certainexigencies, to guard against the extortion of individuals, who raise the neces-. Jaries of life, without which other parts of the community cannot subfift; and whereas the farmers on Long-Island, and Staten-Island, are possessed of great quantities of wheat, rye, and Indian corn, for sale, beyoud what they want for their own confumption; and it is highly perreasonable that these who may stand in need of those perticles, should be left at the mercy of the farmer; and whereas it is equally just and reason. able that every encouragement should be given to the industry of the husbandman, and that in all public re-Vol. VI.

gulations respecting the price of the produce of his lands, regard should be had to that of the conveniencies which he is obliged to purchase, and whereas the present rates at which wheat, flour, rye-meal, and Indian meal, are fold, do vastiy exceed in proportion the advanced price of those articles which the farmer stands in need of purchasing, and I being well satisfied, from the best information, and most accurate estimates made, that the following prices upon the articles above-mentioned will be liberal and generous, have thought fit to iffue this Proclamation. and do hereby order and direct, that the prices to be hereafter demanded for the faid articles shall not exceed the following rates, viz.

A bushel of wheat, weighing fiftyeight pounds, twelve shillings, with an allowance or deduction in proportion for a greater or lesser weight.

A buffiel of rye or Indian corn.

feven shillings.

Merchantable wheat flour, thirty-five shillings per hundred weight.

Rye flour, twenty shillings per

hundred weight.

Indian meal, seventeen shillings

per hundred weight.

And that it may be known what quantities of the above articles of grain the farmers upon Long-Island and Staten-Island have for sale, I do further order and direct, that they do without delay, make a return, according to the best estimate they can form, to the Commanding Officer of the militia of their respective counties where they refide, of the quantities they have of the aforefaid respective kinds of grain, and also that they do declare how much thereof they think they may want for the use of themselves and families, until the enfuing crop shall come in; and in order that those who stand in need of fupplies of the above articles, may seasonably have the benefit thereof, I do farther order and direct that the aforefaid

aforesaid farmers do immediately thrash out one third part of their prefent crop of wheat and rye, and that another third part thereof be thrashed out, on or before the first day of February next, and that the residue thereof be thrashed out on or before the first day of May next. And that any person neglecting to make such return as aforesaid, or to thrash out his grain as aforesaid, or refusing to sell such part, or any or either of the faid kinds of grain, flour, or meal, which he shall not want as aforefaid, for himself and family, at the respective prices above limited, or any person whatsoever, who shall either at the city of New-York, Long-Island, or Staten-Island, presume to demand a greater price for any of the above-mentioned articles, or to refuse to sell the same at those prices, shall be subject to have his whole crop of grain, or quantity of manufactured flour or meal, concerning which fuch offence shall happen, seized and confiscated, and himfelf liable to imprisonment for such

Given under my hand, at the city of New-York, the 20th day of December, 1777, in the eighteenth year of his Majesty'e reign.

H. CLINTON, Lieut. Gen. By his Excellency's command, JONH SMITH, Sec.

Proceedings of the American Congress.

In Congress, June 14, 1777. Refolved, That the flag of the Thirteen United States be Thirteen Stripes, alternate red and white: that the Union be Thirteen Stars, white on a blue field, representing a new Constellation.

In Congress, October 6, 1777. Resolved, That all masters, officers, and mariners, and all subjects of the King of Great-Britain, taken on board any prize made by any Continental vessel of war, be hereafter confidered at presoners of war, and

treated as fuch; and that the seamen and mariners of fuch prize be confined in the gaols, or some other secure place in the State to which the prize shall be carried.

In Congress, October 17, 1777. Resolved, That the rate of postage

be increased fifty per cent.

Extract from the Minutes,

CHARLES THOMPSON, Sec. Extract of a letter from General GATES to Congress, dated Albany, October 20.

" Sir,

" Inclosed is the copy of a letter, I have this day fent to Major-general Vaughan, who I am told commands the burning party in Hudson's River. It goes by the boat that carries General Burgoyne's officer to Sir William Howe.

" Sir. Albany, Oct. 19, 1777. "With unexampled cruelty you have reduced the fine village of Kingiton to ashes, and most of the wretched inhabitants to ruin. I am informed you also continue to ravage and burn all before you, on both fides of the river. Is it thus your King's Generals think to make converts to the Royal cause? It is no less surprizing than true, that the measures they adopt to serve their master have the quite contrary effect. cruelty establishes the glorious act of Independency upon the broad basis of the general refentment of the people.

"Able Generals, and much older officers than you can pretend to be, are now, by the fortune of war, in my hands. Their fortune may one day be your's, when, Sir, it may not be in the power of any thing human to fave you from the just revenge of an injured people. I am, Sir,

Your most obedient humble servant, HORATIO GATES."

To the Hon. John Vaughan,

Major-general. Published by order of the Congress, CHARLES THOMPSON: Sec.

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In Congress, November 4, 1777. Resolved. That the thanks of Congress in their own names, and in behalf of the inhabitants of the Thirteen United States, be presented to Major-general Gates, Commander in Chief in the Northern department, and to Majors-general Lincoln and Arnold, and the rest of the officers and troops under his command, for their brave and successful efforts, in fupport of the independence of their country, whereby an army of the enemy of ten thousand men has been totally defeated, one large detachment of it, strongly posted and intrenched, having been conquered at Bennington, another repulfed with loss and disgrace from Fort Schuyler, and the main army of fix thousand men, under Lieutenant-general Burgoyne, after being beaten in different actions, and driven from a formidable post and strong intrenchments, reduced to the necessity of surrendering themselves, upon terms honourable and advantageous to these States, on the 17th day of October last, to Major-general Gates; and that a medal of gold be struck, under the direction of the Board of War, in commemoration of this great event, and in the name of these United States, prefented by the President to Majorgeneral Gates.

Refolved, That Congress have an high sense of the merit of Colonel Greene, and the officers and men under his command, in their late gallant desence of the fort at Red Bank on Delaware River; and that an elegant sword be provided by the Board of War, and presented to Colonel

Greene.

Refolved, That Congress have a high sense of the merit of Lieutenantcolonel Smith, and the officers and men under his command, in their late gallant desence of Fort Missin, on the river Delaware; and that an elegant sword be provided by the Board of War, and presented to Lieutenant-colonel Smith.

Refolved, That Congress have an high sense of the merit of Commodore Hazelwood, the commander of the naval force on Delaware River, in the service of the Commonwealth of Pennsylvania, and the officers and men under his command, in their late gallant defence of their country against the British sleet, whereby two men of war were destroyed, and sour others compelled to retire; and that an elegant sword be provided by the Marine Committee, and presented to Commodore Hazelwood.

Extract from the Minutes,

CHARLES THOMPSON, Sec. In Congress, November 21, 1777.
Resolved, That Silas Deane, Esq. be recalled from the Court of France, and that the Committee of foreign affairs be directed to take proper measures for speedily communicating the pleasure of Congress herein to Mr. Deane, and the other Commissioners of the United States at the Court of France.

Extract from the Minutes,

CHARLES THOMPSON, Sec. [The reason assigned by the Congress for recalling Mr. Deane from Paris, is, that they want his presence to inform them exactly and fully of the state of things in Europe, at this very critical period. The French King, as a mark of his particular esteem for Mr. Deane, gave him a box of great value and exquisite workmanship, with his picture richly set in diamonds; and a letter, written in his own hand to the Congress, strongly testifying his entire approbation of every part of Mr. Deane's The French Ministers also conduct. gave Mr. Deane the most honourable testimonials.]

In Congress, November 22, 1777.
Congress having received information, that the insidious enemies of the United States of America, have endea-

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voured to propagate false and groundless reports, that a treaty had been held between Congress and the Commissioners of the King of Great-Britain, by which it was propable that a reconciliation would take place.

Be it declared and resolved, That the Commissioners of the said United States, at the several Courts in Europe, be authorized to represent to the Courts, at which they respectively reside, that no treaty whatever has been held between the King of Great-Britain, or any of his Commissioners, and the said United States, since the declaratation of Independence.

HENRY LAURENS, President. Attest. Charles Thompson, Sec. In Congress, November 22, 1777.

Refolved, That all proposals for a treaty between the King of Great-Britain, or any of his Commissioners, and the United States of America, inconsistent with the Independence of the said States, or with such treaties or alliances, as may be formed under their authority, will be rejected by Congress.

HENRY LAURENS, President. Attest. Charles Thompson, Soc. In Congress, December 19, 1777.

Whereas Sir William Howe, Commander in Chief of his Britannic Majesty's forces, has required that provisions should be fent in for the relief of the American prisoners in his possession, and for the purchase of fuch necessaries as they may stand in need of, and has prohibited the circulation of the money flruck by the authority of these States within fuch parts of the country as are at present subjected to his power, whereby great difficulties have accrued in relieving the distresses of the American prisoners; and whereas large fums of Continental bills of credit have been counterfeited, and iffued by the agents, emissaries, and abettors of Sir William Howe.

Refolved,

"That the accounts of all provi-

fions, and other necessaries, which already have been, or hereafter may be supplied by the public, to prisoners in the power of these States, shall be discharged either by receiving from the British Commissary of prisoners, or any of his agents, provisions or other necessaries, equal in quality or kind to what have been supplied, or the amount thereof, in gold or filver, at the rate of 4s. 6d. sterling, for every dollar, of the currency of these States; and that all these accounts be liquidated and discnarged, previous to the release of any prisoner, to whom provisions or other necessaries shall have been supplied."

On the 8th of January, 1778, the Congress, in consequence of a report of their Board of War, among a number of resolves, passed the following.

ber of resolves, passed the following: "That General Washington be directed to require of General Howe the reasons why several officers in the service of these states, and other citizens now in his power, have been so long confined, either in the provost guard, or loathsome gaols, and treated with fuch unparalleled rigour; and if General Howe shall refuse to make any answer to his requisition. within the space of five days, or give fuch reasons for the treatment of these unfortunate prisoners, as shall not be justifiable by the law of nations, General Washington be directed immediately to order a number of the enemy's officers, as nearly equal in rank and condition of life as possible to the persons so confined without cause, forthwith to be imprisoned, subsisted, and treated in the same manner as the persons above alluded' are imprisoned, subsisted, and And that he be informed treated. that it is the expectation and express order of Congress that this mode of treatment in general be continued, changed, or suspended, as the conduct of the enemy, with respect to the American prisoners, shall, fromtime to time, render just and necesiary,

fary, without waiting for any special order from Congress for such purpose.

"That the Commissary-general of prisoners, and his respective deputies, be forthwith directed to call in all the officers and privates belonging to the enemy, and to confine them in such places, and order them to be subsisted and treated in such manner as shall render their fituation fimilar, in all respects to that of the officers and privates, who are prisoners with the enemy, and that they continue this moder of treatment, 'till such time as a change of conduct on the part of the enemy, or the Commander in Chief of the Navy of these States, do give directions for a different line of conduct.

"That it be recommended to the government of the respective States, where prisoners of war are confined, to give every affishance in their power to the Commissary General of prisoners, or his deputies, by putting them in possession of gaols, or other buildings, and by furnishing them with guards, in order to enable them to execute the foregoing resolutions."

In Congress, January 2, 1777.
Congress having no further occafion for the service of Esek Hopkins,
Esq. who on the 22d of Dec. 1775,
was appointed Commander in Chief
of the fleet fitted out by the Naval
Committee,

Resolved, That the said Esek Hopkins, Esq. be dismissed from the service of the United States.

> Extract from the Minutes, CHARLES THOMPSON, Sec.

In Congress, January 8, 1778.
The Committee to whom the letters that passed between General Heath and General Burgoyne, and the letter from General Burgoyne to General Gates, were committed, brought in a report, which was taken into consideration and agreed to, as follows:—

That they have confidered, with mature attention, the Convention entered into at Saratoga, between Major-

general Gates and Lieutenant-general Burgoyne, in October last, and find numbers of the cartouch boxes, and feveral other articles of military accoutrements, annexed to the persons of the non-commissioned officers and foldiers in General Burgoyne's army, have not been delivered up, and that agreeably to the spirit of the Convention, and the technical interpretation of the word "arms," they ought to have been delivered up. opinion is warranted not only by the judgment of the most approved writers, but by the interpretation and practice of British officers in similar cases, in the course of the present war. particularly in the capitulation of St. John's, on the 2d of November,

1775.

Your Committee further report, that there are so many other circumstances attending the delivery of the arms and military stores, which excite strong suspicions that the Convention has not been strictly complied with, on the part of General Burgoyne, agreeably to its true spirit and the intention of the contracting parties, and so many instances of former fraud in the conduct of our enemies, as to justify Congress, however cautious to avoid even the suspicion of want of good faith, in taking every measure for fecuring the performance of the Convention, which did not impose any new condition, nor tend to delay its execution. Of this nature your Committee confider the resolution of Congress of the 8th of November last, directing General Heath "to cause to be taken down the name, and rank of every commissioned officer, and the name, former place of abode, occupation, fize, age and description, of every non-commissioned officer and private foldier, and all other persons. comprehended in the Convention of Saratoga."—This cannot be confidered as imposing any new condition, but as a measure naturally refulting from the Articles of Convention,

tion, which the conquering party has a right to avail itself of, and which is strictly justifiable, had no just sufpicion of the want of good faith in the party furrendering presented it-Your Committee are of opinion. That the reasons which General Burgoyne adduces for refusing a compliance, are inapplicable to the case: and they beg leave to observe, That he is totally mistaken in his appeal to the conduct of Sir Guy Carleton and himself, with respect to the prisoners released from Canada, in August 1176; for notwithstanding his express declaration to the contrary, in his letter of the 23d of November last to General Heath, it appears from the original list of the prisoners released from Canada, which is herewith prefented, that the provinces, counties and towns to which the prisoners released belonged, were annexed to their respective names, and which, for the greater fecurity of the conquering party, were in the hand writing of the respective prisoners. Your Committee, therefore, cannot but confider General Burgoyne's refufal to give descriptive lists of the noncommissioned officers and soldiers belonging to his army, when connected with his former conduct, and ill grounded affertion on this occasion, in an alarming point of view; more especially when they consider, that nine days previous to this refusal, he had, without just cause given, declared in a letter to General Gates, that the public faith, plighted in the Convention of Saratoga, was broken on the part of these States.

This charge of a breach of public faith is of a most serious nature, pregnant with alarming consequences, and deserves greater attention, as it is not dropped in a hasty expression, dictated by sudden passion, but is delivered, as a deliberate act of judgment committed to writing, and sent to the General with whom he made the Convention; and if credit is to

be given to General Burgoyne's account of himself, in his letter to General Heath of the 25th of November, he cannot be considered "of so light a character, as to have acted in a serious matter of State upon a sud-

den impression."

The reason on which he grounds. this charge is, that the officers included in the Convention have not. fince their arrival in Massachusett's Bay, been accommodated with quarters, agreeable to their respective ranks. On which your Committee beg leave to observe, that, from the fudden and unexpected arrival of fo large a body of troops, the concourse of strangers in and near Boston, the devastation and destruction occasioned by the British army, not long since blocked up in that town, and by the American army which befreged them; and, confidering that the officers were not to be separated from their men, and that the troops could not be quartered with equal convenience in any other place within the limits pointed out and described in the Convention. as there are not a sufficient number of barracks in any other part of that State; though from these and many other unavoidable circumstances, the accommodation of General Burgoyne and his officers might not be fuch, as the public could wish or he expect, yet his charge of a breach of public faith on this account, is not warranted either by the letter of the preliminary articles agreed on between himself and General Gates onthe 14th of October, or by the spirit of the Convention figured on the 16th of the same month, since by an examination of these articles it will appear, that the stipulation with respect to the quartering of officers, was not to be construed in that rigorous sense in which General Burgoyne affects to confider it, but on the contrary, that it was " agreed to, as far as circumstances would admit."

Your Committee forbear to lay any

any stress on the attempt of the enemy to alter the place of embarkation from the port of Boston to that of Rhode-Island, or the Sound, so configuous to the port of New-York. which, as well as that of Rhode-Island, is at present in their possesfion, on the feeming inadequate number of vessels (being only 26 transports sent to Rhode-Island, as appears in a letter from General Pigot to General Burgoyne, dated 5th December) for an army confilling of 5642, in a winter voyage to Europe, or on the improbability of the enemy's being able, on so short a notice, to victual fuch a fleet and army for a voyage of fuch a length; fince the declaration of Lieutenant-general Burgoyne, that the public faith is broke, is of itself sufficient to justify Congress in taking every measure for fecuring the performance of the Convention, which the laws of nations, in confequence of this conduct will justify.

These facts and opinions your Committee, in a matter of such high moment to the honour and fafety of these States, esteem it their duty to report specially; and confidering that General Burgoyne has not fully complied with the Convention of Sa ratoga, particularly in not delivering up the cartouch boxes and accoutrements, that he has expressly, and without just foundation, charged these States with a breach of public faith; that in consequence of this declaration, whilst in our power, he may deem himself and the army under him absolved from their compact, and may therefore have refused compliance with a measure naturally resulting from the Convention, and which only tended to render his officers and men insecure, in case the Convention on their part was not complied with; confidering farther, that from the distance between America and Great-Britain, there is no opportunity of accommodating this dispute in any

reasonable period of time with the Sovereign of the State, in behalf of which this Convention was made; and that the operations of General Burgoyne's army in America would not only defeat the main object of the Convention, but prove highly prejudicial to the interest of these States. Your Committee submit the whole to the consideration of Congress, in order that such measures may be adopted, as are consistent with the safety and honour of the United States."

Whereupon Congress came to the

following resolutions:

Refolved, That, as many of the cartouch-boxes, and feveral other articles of military accoutrements annexed to the persons of the non-commissioned officers and soldiers included in the Convention of Saratoga, have not been delivered up, the Convention, on the part of the British army, has not been strictly complied with.

Refolved, That the refufal of Lieutenant-general Burgoyne, to give descriptive lists of the non-commissioned officers and privates belonging to his army, subsequent to his declaration, that the public faith was broke, is considered by Congress in an alarming point of view, since a compliance with the resolution of Congress, could only have been prejudicial to that army, in case of an infraction of the Convention on their part.

Refolved, That the charge made by Lieutenant-general Burgoyne, in his letter to Major-general Gates, of the 14th of November, of a breach of public faith, on the part of these States, is not warranted by the just construction of any Article of the Convention of Saratoga; that it is a strong indication of his intentions, and affords just grounds of fear, that he will avail himself of such pretended breach of the Convention, in order to disengage himself and the army under him, of the obligation they are under to these United States, and

that the security which these States have had in his personal honour, is

hereby destroyed.

Resolved therefore, That the embarkation of Lieutenant-general Burgoyne, and the army under his command, be suspended till a distinct and explicit ratification of the Convention at Saratoga shall be properly notified by the Court of Great-Britain to Congress.

By order of Congress,

Signed,

HENRY LAURENS, President. Attest. Charles Thomson, Sec. In Congress, Yanuary 21, 1778.

In Congress, January 21, 1778.

The Board of War reported, that having conferred with Mr. Elias Boudinot, Commissary of prisoners, on the 21st of December, and carefully examined the evidences produced by him, they esteem it their duty to state to Congress the following facts relating to the American prisoners, in the power of the enemy.

That as far as can be collected from the tellimony and prisoners and inhabitants, who have left the enemy, there are about nine hundred privates and three hundred officers in the city of New-York, and about five hundred privates and fifty officers in

the city of Philadelphia.

That the privates in New-York have been crowded all summer in sugar-houses, and the officers boarded on Long-Island, except about thirty, who have been confined in the provost-guard and in the most loathsome goals.

That fince the beginning of October, all these prisoners, both officers and privates, have been confined

in prifon-ships or the provost.

That the privates in the city of Philadelphia have been kept in the public gaols and the officers in the

State house

That from the best evidence, which the nature of the subject will admit of, it appears, that the general allowance of provisions, at the most, does not exceed four ounces of meat and the same quantity of bread, (often times so damaged as not to be eatable) per man per day, and often much less, although the professed allowance is from eight to ten ounces; and that the prisoners have been treated in general, (officers excepted) with a cruelty scarce to be paralelled, and with the most studied and illiberal insult.

That it has been a common practice with the enemy, on a prisoner's being captured, to keep him three, four, and even five days, without a morsel of provisions of any kind, and then to tempt him to inlist with the new levies, in order to saye his life.

That there are numerous instances of prisoners of war perishing in all the agonies of hunger from their se-

vere treatment.

That being generally stripped of what cloaths they have when taken, they have suffered greatly for want thereof during their confinement.

That, in the beginning of last summer, bills of exchange to the amount of 600l. sterling, purchased of David Frank, British Commissary of prifoners, residing within the jurisdiction of these States, were sent into New-York, for the relief of the prifoners; that every obstacle was thrown in the way to prevent the negotiation of these bills, and after a delay of two months, they were returned to Mr. Boudinot, the American Commissary of prisoners.

That the American Commissary of prisoners had permission to send in provisions from Hudson's and Rariton Rivers to New-York, and to purchase cloathing there for about two months past; but on this condition, that the sloop carrying the provisions, stop at the man of war, stationed in the mouth of Hudson's River, where the hands are taken on board of the ships, and the agent for American prisoners in New-York, is obliged to send hands from thence to take the

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floop over to the city, and return her again to the man of war; which not only renders it very tedious and expensive, but prevents getting sloops for the purpose, as very sew owners choose to trust their vessels in the enemy's hands, and to remain prisoners on board of the man of war till the sloop returns.

That provisions, which have been fent into the city of New-York for the subsistence of the American prisoners, have been prevented by a public ordinance from being sold at a higher rate than 45s. per cwt. for flour, although the current price of that article was 6l. per cwt. and it actually sold current at that price between individuals, while the flour belonging to these States was sold at the ordinance price.

That the American officers in the power of the enemy, had not any allowance made to them for their sub-sistence, although the British officers, in the power of these States, have been allowed, by a resolve of Congress, two dollars a week for their

Tubfistence.

That in confequence of repeated remonstrances from General Washington to General Howe, concerning the injurious treatment of prisoners in his power, General Howe, in his letter to General Washington in November last, promised, "that a Commissary should be permitted to carry in a supply of cloathing, money, and other necessaries for the prisoners in Philadelphia, and to visit the places where they were confined."

That on a conference which passed between Mr. Ferguson, the British Commissary of prisoners, and Mr. Boudinot, the Commissary of prisoners for the States, who was ordered by General Washington to visit the prisoners, agreeable to General Howe's promise, Mr. Ferguson said, that he was desired by General Howe, to let Mr. Boudinot know, "that there could be no necessity for his coming

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into the city, as he would fee that the prisoners were properly dealt by," and Mr. Boudinot was not suffered

to go in.

That on this conference, Mr. Ferguson, the British Commissary of prisoners, complaining of the inattention paid to the supplying of prisoners in their hands with cloaths, said, "that there was plenty of cloathing in Philadelphia, which we were at liberty to purchase for provisions, and to appoint agents for that purpose;" that on Mr. Boudinot's expressing his doubts on this point, Mr. Ferguson shewed great surprize at his unbelief, and assured him repeatedly that sull liberty to purchase cloathing would be granted.

That Mr. Ferguson, in his letter of the 2d of December says, "that permission will be given to fend in cloathing to our prisoners, but that General Howe does not think sit to allow it to be purchased in Philadel-

phia."

Congress taking into consideration the foregoing facts, and confidering that during the whole time, in which the American prisoners have suffered fuch unparalleled rigour and infult. and every obstacle has been thrown in the way to obstruct their relief, the prisoners taken from the enemy have been plentifully supplied with provifions, either at the expence of thefe States, or by Commissaries in the fervice of the enemy, permitted to refide and purchase without controul, within the jurisdiction of these States: that their officers have been admitted on their parole in good quarters, and a weekly allowance made them; that few, even of their privates, have been for any time confined in gaol, but, on the contrary, that they have been permitted to work abroad and to receive the full price of their labour. Thereupon,

Resolved, That the allowance of two dollars a week to officers, who are prisoners of war to the United States, do cease, unless to those officers who may be entitled thereto by any contrast made on or before their

captivity or furrender.

That neither David Franks, nor any other agent or person whatsoever, be permitted to negociate bills within these United States, for the supply of prisoners taken from the enemy, or to purchase provisions or other necessaries for such purchase within the jurisdiction of these States, except in the manner herein after provided.

That every British Commissary, or any other person or agents, employed to supply prisoners taken from the enemy with provisions, shall make returns of the prisoners under his or their respective care to the Purchasing Commissary of the district, wherein fuch prisoners are confined, who shall deliver a fufficient number of rations for their weekly or monthly subsistence, as circumstances shall render necessary, taking duplicate promisfary receipts for the same, pavable in thirty days after date, one of which receipts shall be forthwith transmitted to the Commissary-general of purchases, or the Deputy Commissarygeneral of the department in which the provisions are supplied.

That the provisions so received, shall be paid for in the manner prescribed by the resolution of Congress of the 19th December last; and in case of the same, shall be accounted for in gold and silver, the Commissary-general or Deputy Commissary of purchases receiving the same, shall remit it without delay to the Board of Treasury, in order that the same may be applied as a fund for relieving the distresses of the prisoners in the power

of the enemy.

That in case failure shall be made by any person signing such receipt, in discharging the amount when it shall become due, no further provisions shall be issued for the maintenance of the prisoners under the care of the person or persons so failing.

That in return for the permission hereby given to purchase provisions of the American Commissaries for the use of the enemy's prisoners, General Washington be directed to demand of General Howe, liberty to purchase cloathing in fuch places as may be under his power, for the use of the American prisoners. That cloathing so furnished, to be paid for in gold or filver, or in provision to be fent in and fold at the market price; and that in case General Howe should choose to order provisions and other necessaries to be sent out for the supply of the prisoners in our power, initead of the mode proposed by the former resolutions, he be permitted to fend what supplies may, from time to time, be necessary, to such posts as the American Commissary of prisoners shall direct, which provi-sion, when sent out, shall be issued to the prisoners by persons appointed by General Howe for that purpose; provided that permits be granted by General Howe, for transporting provisions, either by land or water, as shall be most convenient, from the States of New-Jersey, Pennsylvania, Maryland, and Virginia, for the uieof the American prisoners in the cities of New-York and Philadelphia, and in the town of Newport in Rhode-Island, and the provision sent in, be issued out by Commissaries, or by other persons appointed for such purpose by these States, who shall be permitted to refide at the places where the prisoners are confined.

That in return for the permission given by the resolution of Congress of the 21st of May, 1776, for a commissioned officer from the British army to visit monthly the prisoners in the power of these States, "in order to count their numbers and certify their rolls," General Washington be directed to demand peremptorily of General Howe a like permission, or to agree upon any other equal mode for ascertaining the situa-

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tion of the American prisoners which shall be deemed most expedient; and in case of General Howe's refusal to give fatisfaction on this point, that General Washington regulate his future conduct by the conduct of General Howe.

And whereas General Howe, by his letter to General Washington in November last, affects to make a distinction in the treatment of prisoners taken in arms, and of the faithful citizens of these States subjected to his power, in a manner not only contrary to reason and the principles of humanity, but inconsistent with the sentiments expressed by General Howe himself, in his letter to General Washington, dated Staten-Island. August 1, 1776.

Resolved, That General Washington be directed to enquire of General Howe, an explanation of those parts of his letter of November 1777, which imply this distinction, and the line of conduct which he means to observe for the future with respect to fuch of the faithful citizens of these States, as may be subjected to his Extract from the Minutes. power.

CHARLES THOMSON, Sec.

In Congress; February 14, 1778. Refolved, That it be recommended to the Legislatures of the several States, to pass laws, declaring that any person, his aider or abettor, who shall wilfully or maliciously burn or destroy, or attempt, or conspire to burn or destroy, any magazine of provisions, or military or naval stores belonging to the United States; or if any master, officer, seaman, marine, or other person entrusted with the navigation or care of any Continental vessel, shall wilfully or maliciously burn or destroy any such vessel, or shall wilfully betray, or voluntarily yield or deliver, or attempt to confpire and betray, yield, or deliver, fuch vessels to the enemies of the United States, such person, his aider or abettor, on legal conviction, shall fuffer death without benefit of cler-Extract from the Minutes,

CHARLES THOMSON, Sec. In Congress, February 20, 1778.

Whereas it is represented to Congress by his Excellency General Washington, that the mode adopted by many of the United States, of enlisting their quotas of troops only for fix or nine months, occasions a constant change of men; by which means great part of his army constantly confifts of undisciplined troops, and of course occasions great fatigue and trouble to his officers, in rendering them fit for any service; and that by the time they come to know the duty of a foldier, their inlistments expire.

Refolved, That all the troops now composing the armies of these United States, and all fuch other troops as shall hereafter inlist or be drafted to ferve in their armies, shall be deemed. and they are hereby declared to be troops of these United States, during the continuance of the war between these United States and Great-Britain, and subject to all the regulations, pains, and penaltics, specified in the Articles of War, heretofore made and ordained by these United States in Congress, notwithstanding any law of any of these United States

to the contrary.

That his Excellency Resolved, General Washington, and all and every officer of these United States. commanding in any garrison or fort, or at any poit, or on any detachment, be, and they are hereby authorised and required to apprehend, or detain in safe custody, all such persons as shall quit the service of these United States, during the continuance of the war between these United States and Great-Britain, under pretence of the time of their inliftment being expired, in order that they may be brought to condign punishment for defertion.

By order of Congress, HENRY LAURENS, President. Attest. Charles Thompson, Sec. K 2

In Congress, February 26, 1778.

Whereas it appears to Congress by the copy of a letter from General Washington to General Howe of the 10th of this month, that he has confented to the propositions of General Howe to the following effect, "That an exchange of all prisoners now in our possession, officer for officer, foldier for soldier, and citizen for citizen, so far as number and rank will apply, be carried into execution as expeditiously as the nature of the case will admit, and without regard to any controverted point, which might prove an impediment to so desireable an end."

Whereas by a resolution of Congress, of the 19th of December last, a release of prisoners in the power of these States, cannot take place, before the account of all provisions and other necessaries, which have been supplied by the public to such prisoners, are liquidated and discharged;

. And whereas it is the wish of Congress to accomplish the desireable purpose of exchanging the prisoners without unnecessary delay;

Resolved, That an express be sent to the several Legislatures, or supreme executive authorities of the respective States, for such accounts of money, provisions, and other necesfaries, which they have supplied to prisoners taken by the United States fince the commencement of the war. as have not been already transmitted to Congress; that they be requested to make up the faid accounts to the first day of March next, and transmit them as speedily as possible to the Commissioners of claims at the Board of Treasury; that the accounts of each State from New Hampshire to Virginia inclusively, be fent to the faid Commissioners, on or before the 15th day of April next, and of the other States on or before the first day of June next; and that the respective States fustain the losses which may

arise from detaining such accounts longer than the time herein allowed them for rendering the same.

Resolved, That all officers in the department of the Quarter-master, Pay-master, and Clothier-general, and Commissaries of provisions and prisoners, the Commissioners of accounts, and other officers who may have accounts or charges of money, provisions, or other necessaries in their respective offices, for supplies furnished the said prisoners, be directed to fend fuch accounts to the Commissioners of Claims at the Board of Treasury, on or before the 15th day of April next, and that they respectively fultain the losses that may arise from a neglest thereof.

That the Commissioners of claims be directed to prepare the said accounts for adjustment without delay; and that no exchange of prisoners be made until the balance due thereon to the United States is discharged.

Newbaven, January 7.

The most Honourable the Continental Congress have recommended to the several Legislatures of the United States to call in five millions of dollars, by quarterly taxes, within the year 1778, in the following proportion, viz.

•				Dollars.
New-Hampin	ire	-	-	200,000
Massachusetts	-Bay	-	_	820,000
Rhode-Island	and	Pro	vi-	-
dence Plan	tatio	ns.	-	100,000
Connecticut		٠.	-	600,000
New-York	-	-	-	200,000
New-Jersey	-	-	-	270,000
Pennsylvania		-	_	620,000
Delaware	-	-	-	60,000
Maryland	-	-	-	520,000
Virginia	-	-	-	800,000
North-Caroli	na.	-	-	250,000
South-Carolin	na.	-	-	500,000
Georgia	-	-	-	60,000
			•	

Boston,

Boston, January 26, 1778. At a legal meeting of the freeholders and other inhabitants of the town of Boston, on Thursday the 21st infant, the following resolves passed

unanimously, viz.

The Articles of Confederation and perpetual union, between the feveral States now represented in the Continental Congress, having been laid before this town, were repeatedly read, and maturely confidered;

whereupon.

Resolved, As the opinion of this town, that the faid Articles appear to be well adapted to cement the union of the faid States, to confirm their mutual friendship, establish their freedom and independence, and promote their general welfare. And the representatives of the town are hereby instructed to give their votes in the Assembly, that the Delegates of this State may be authorised to ratify the faid Articles of Confederation, in order that the same may become conclusive.

The General Assembly previous to their adjournment, passed the following Address, to accompany the Articles of Confederation and Perpetual Union between the States of New - Hampshire, Massachusetts-Bay, Rhode-Island, and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Vir-North - Carolina, Southginia, Carolina, and Georgia; published by order of Congress.

To the Inhabitants of the State of MASSACHUSETTS-BAY.

Friends and Fellow Countrymen! It is with concern and attention that the House of Representatives and, that an Act, intitled, An Act for drawing in the Bills of Credit of the feveral denominations, &c. passed the last session, has given uneasiness to any of the good people of this State; a number of towns have pre-

fented their petitions stating such grievances, as they apprehend will arise from the execution of that Act,

and pray relief:

The knowledge which the good people have of the disposition of their representatives, must induce them to believe (what most of the petitions express) that the legislative body in passing that law, and in all their conduct, have it fincerely in view to promote the welfare of this State, by those measures which, upon full advisement and consideration of all circumstances and exigencies, appear best adapted for that essential purpose: in pursuance of that disposition, the House of Representatives have proceeded to a confideration of the fabstantial parts of the petitions, and to explain to their constituents, the reafons upon which the faid Act was enacted.

It is well known that the present necessary and expensive war in which we are involved, for the prefervation of every thing valuable, was first enkindled in this State, and in fo fudden a manner, that without magazines or finances, we were obliged instantly to raise, pay, and support a large army by our own efforts, before the American Congress could take measures to relieve us; this occasioned the emission of large and repeated quantities of bills of credit in the unfettled state of Government, and the difinclination of many of the inhabitants to call in any of the bills of credit, to prevent the emission of more by taxation, reduced the legislative body to the alternative, either to fuffer our liberties to be destroyed for want of defence, or elfe to continue the emission of paper bills, to the depreciation of what was then current: the fame fituation of Government, and difinclination of taxation taking place also in the other States, occafioned large and repeated emissions of bills of credit from them, which obtained a general circulation among

ts; from all this it is obvious, that that the American Congress being the collected power and will of the United States, could do no otherwise than repeat their emissions of Continental currency, as the general good of the whole required, expecting when the Governments of the feveral States should be so established as that taxation should relieve us from the great evil of repeated emissions of paper currency: it is also notorious, that numbers of our enemies have counterfeited large quantities of the paper currency of this and the neighbouring States, and that by means of all this, the quantity of circulating paper medium, has long fince encreased vastly beyond all pretensions of usefulness, and manifeltly to the enhancing the demand of all commodities to an extravagant price: this alarming fituation of our currency and commerce induced the General Assembly of last year, to meet by their delegates in Convention the neighbouring States at Providence, and on their report the Monopoly Bill (so called) was enacted, but being unaccompanied with taxation, loaning, or any other method of reducing the overgrown quantities of paper currency, it failed of answering the valuable purposes for which it was designed; the suppressing the prices of commodities at a time when the quantity of currency was vaftly too great and still increasing, inevitably threw the bulk of money out of circulation and use, and of course inclined the holders of such useless quantities of money, to give a much larger price for commodities than the Monopoly Bill allowed; and when the buyer is willing, what can restrain the seller? This growing evil not being redressed by the Monopoly Bill, the present General Court, in their first tession, appointed a Committee to meet in Convention at Springfield, the Committee of the five northern States, to confer upon the best methods of redressing these evils,

the amount of whose report was, the only method from which we could reasonably expect relief was reducing the quantity of currency by loaning. taxation, and non-emission of bills of credit: your reprefentatives therefore, taking into confideration the amount of the paper currency of this State, the quantity of it that is counterfeited, the difficulties that arise from the numerous forts of it, of knowing the good from the bad; the great advantages of having but one species of currency, viz. the Continental, the exceeding quantities of that fort which will remain, when all the States money is destroyed, found themselves under a necessity of stopping the currency of the bills of any fingle State, and calling in those of our own in the specdiest manner. Your representatives being defirous to give full fatis= faction to their constituents, upon the subject of their petition, think it the readiest way to state the objections contained in the whole of them, and to obviate the seeming grievances.

One prevailing objection against the Act is, " that the loaning the States money will distress us, by the encreasing debt arifing from the interest of the same." That the interest of a fum added to the principal makes a larger fum than the principal is certain, but that the debt will be encreafed thereby, in certain cases, will not appear upon explanation; for by loaning those bills the circulating quantity is lessened; this has a natural tendency to prevent the high prices which arise from the surplusage of money, and this in a short time will amount to a faving of more than the whole principal; the reducing the quantity of currency is certainly the regular method of curing the evils, which arife from fuch undue quantity; when, therefore, such evils appear, the regular remedy should be applied in the speediest manner, i. e. the States money being particularly instrumental of producing those evils,

must be sunk as speedily as possible; that it should be funk by loan rather than by taxation will further appear, by confidering that the expences of the war are still pressing us, that they are unavoidably encreasing by the encreased price of all necessaries, and therefore that the Treasury must be supplied with larger sums; this can only be done either by emission of more bills of credit, by taxation, or borrowing on loan; of the first too much has been done already; for a calculation between the advanced prices of goods, and the interest of money, must fatisfy every unprejudiced person, that had we been able to hire the money necessary for our expenditures, instead of making new emissions, above half the expences would have been faved, i. e. eight times the interest, the emission of more bills will render of less value what is already current, i. e. will raise the price of all necessary articles, and by that means encrease our expences to a much greater amount than the interest of such a sum of money, as, if borrowed, would have prevented the necessity of such emissions.

Taxation and borrowing on loan, only remain as methods to supply the Treasury; the exigencies of affairs forbid the rifquing the flow, uncertain method of supplying the Treafury wholly by borrowing, and made it necessary that all the money that could be raifed by taxation should be paid into the Treasury in Continental money, for the support of the war, and of course no other method was left of finking the States money than that prescribed in the Act, of drawing it in by loan: had the States money been called in by taxation, it would have cost all the, tax that could conveniently be raised for the year 1777, and then there would have been no method left of suppplying the Treaiury, but borrowing Continental bills on interest; and with regard to the increase of debt, as is objected, there

is no odds upon the loan of what money the interest is paid, whether States bills or Continental: whence it appears, that your representatives were reduced to the choice of the following cases; either to call in the States money by taxation, and then pay it out again for current charges, after it was known to be so counterfeited as to deceive the good people: or to call it in by tax and destroy it, and then endeavour to supply the Treasury by borrowing on loan, or by making more emissions of money, or else to fink the State bills by loan, as prescribed in the Act, and appropriate the tax to the supply of the Treasury, the latter was adopted as being the most beneficial of either.

But it is faid, "that this method will throw the interest money into the hands of evilly-disposed monopolizers who have occasioned the depreciation of our currency." Whether those persons called monopolizers have not undervalued the money, and whether the great furplufage of money has not occasioned the monopolizing of commodities, are questions easily determined, and whether the receiving interest for States money will benefit fuch persons more than receiving interest for Continental money in the Continental Loan Office, draughts for filver money in France is paid for interest, and whether it is possible to carry on this necessary war, without borrowing large fums_over and above all our taxation, and whether the taking money of particular persons into our funds will not engage the abilities of fuch persons to the American interest, and whether we can possibly punish these unworthy persons by suffering the currency to grow uteless in their hands, without distressing the worthy part of the community; and whether the taxing fuch persons in proportion to their interest, will not reduce their newly acquired property to public benefit, are questions worthy of consideration.

It is faid, " that the time for executing the Act is too short, and that diffress will be occasioned thereby," but it will be confidered, that the circumstances of our affairs required a fpeedy remedy, and the depreciation of our money was, in some measure, owing to an apprehension that it would not be called in by taxation, loaning, or otherwise, and much greater evils must have arisen to the credit of our State bills, by protracting the currency of them, than can arise by the suddenness of the change, for an addition to what has been faid, vast quantities of counterseited bills have been prevented getting into circulation thereby .: it is also objected, that the method of taxing prescribed in the Act will not answer the purpose of putting the money out of circulation, though we pay interest for it; but doth not the experience of those notes now on interest prove the contrary; the continual encreasing value prevents their passing as a currency, unless in cases of great occafion, and then bonds, mortgage and thips, yea, houses and lands, may be transferred.

We think ourselves obliged to take notice of an objection, which though variously expressed, in substance is this, "that the faid Act is cruel and oppressive, a violation of public faith, and contrary to the promise made on the face of the bills." The objectors are defired to confider whether, if the Act had been, that every man who was possessed of States money, should bring it to the Treasurer, and for it receive the amount in filver and gold, would this be a violation of public faith, and contrary to the promise made on the face of the Bill? Can it be faid, that the money fo received at the Treasury would be received in payment? If, instead of paying in filver and gold, it should he in Continental money, or a new emission of money, would that be a violation of public faith, &c. why

then is redeeming them by large notes on interest esteemed a violation. &c. To this may be answered, " because they will not pass in common payment, nor at the Treasury, a man is forced to loan his money whether he will or not:" is not this shifting the objection from the letter to the spirit? Suppose the General Assembly had taken no measures to reduce the quantity of paper currency, and secure its value, would this be a violation of public faith and public trust? Suppose they had undertaken to reduce the quantity by drawing in the States money by taxes, and then had not been able to supply the Treasury for necessary defence, would this be a violation of public faith, cruel, oppressive, &c. Is here not a real destructive violation of public faith, and public trust, put in opposition to a supposed violation of a promise in the face of the Bill? Doth not the whole force of this objection arise from the objectors not being willing to lend their money for public use? If the good intention and effect of the Act was duly supported by a spirit of patriotism, would there be any complaining of being forced to loan a little surplusage money for common good. Hath it not been the universal fentiment fince this war broke out, that this generation must fight, and the next pay what we are not able to? How can that be done without loaning the debt? Do any think we must continue making paper money, and leave the next generation to redeem it? Is it not certainly known, that paper money cannot be made beyond a certain quantity, equal to the articles that are usually bought and sold, and beyond that, only the nominal fum is encreased, and not the value, compared with things to be bought, and that this is the case with gold and filver, as well as paper currency. But it is faid, "that the great plenty of paper money renders it more easy to redeem the States money by tax now,

now, than it will be hereafter when money is scarce." This is an undoubted reason why we should collest as much money by tax as we can bear, and if the current expences will admit that any of the notes on interest should be redeemed, it should be done: but whoever confiders the unavoidable expenses of the prefent war, including our share of the Continental expence, will hardly suppose our taxes will be equal to it. It is not much to be wondered, that the good people of this State should differ in their fentiments respecting the best methods of remedying the evils which all complain of, as the system of money matters and commerce in their nature, are intricate and obstruse; and perhaps not generally understood.

It is with pleasure we observe that jealously for liberty which has occafioned these objections, yet we should cautiously guard against the subtle designs of our internal enemies, who omit no opportunity of someting divisions and jealousses, by which only they can hope to subdue us; and we should well consider, whether there are more evils and inconveniences arising from the Act complained of, than always attend those great operations which are necessary for public

fafety.

Your representatives are equally concerned in the matter with your-felves, and cannot possibly lay a burden on the community in which they do not partake in proportion to their property as fettled by the Tax Bill: the only objection that remains to be obviated is, that there unavoidably will be fmall sums remaining in the hands of poor people, who may not be able to change it with their rich neighbours, and that without some provision, they will be in danger of losing it."

At the making of the law it was thought, that the more substantial part of the inhabitants would have been so apprehensive of the necessity Vol. VI.

and usefulness of the Act, as to have exerted themselves to carry it into execution, and have relieved others by exchanging such small sums for them: and in order to give opportunity for this, the Court have, by an Act, lengthened the time for collections.

ing in the money.

Upon the whole, the good effects of this regulation fo much complain. ed of, are already obvious in many respects, and nothing seems wanting but perseverance to reap the real benefit of it. - It would have been more desireable to your representatives to have called in the States money by taxation, if the circumstances of the State would admit; but the necesfity we shall be under of raising a sum of money to supply the Continental Treasury, in compliance with a requisition of Congress, received since your petitions were under confideration (as will appear by the resolve of Congress transmitted you) render it quite impracticable, and would give as much uneafiness to some towns as satisfaction to others; but that no town may think that due attention has not been given their petitions, the Court have passed an Act, enabling fuch towns as think they can afford to raise a still larger tax, to raise money and put it on loan 'for purposes in the Act mentioned: whilst your representatives are labouring to conduct your common concerns by the fafest rules and most beneficial methods; they trust their constituents will not embarrass their measures, by misapprehensions and distrust, but afford that confidence and support, without which the best administration must fail of support.

State of Massachusetts-Bay. In the year of our Lord, one thousand seven hundred and seventy-eight. An Act for prescribing and establishing an oath of sidelity and allegiance.

Whereas the of hath abdicated the Government of this and the other United States of L America,

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America, by putting them out of his protection, and unjustly levying war against them; and the said United States, by their representatives in Congress assembled, by a declaration bearing date the fourth day of July, A. D. 1776, solemnly declared, that the United Colonies of America are, and of right ought to be, Free and Independent States, that they are absolved from all allegiance to the British Crown, and that all political union between them and the State of Great-Britain is, and ought to be totally dissolved; which declaration has been folemnly ratified and adopted by this State. And whereas in all States protection and allegiance are and. ought to be reciprocal, and those who will not bear the latter, are not entitled to the benefit of the former:

Be it therefore enacted by the Council and House of Representatives, in General Court affembled, and by authority of the same, That any Justice of the peace, in any county in this State, shall have full power and authority, and he is hereby required upon representation made to him in writing, figned by any member of the Council or House of Representatives, civil or military officer of any town or county, or of a felectman, or member of any Committee of correspondence, inspection fafety, or of any two substantial freeholders, within any town or plantation of this State, that there is, in his or their opinion, just and sufficient reason to suspect, that any particular person residing in any town or plantation in this State, is inimical to the United States, such Justice is hereby impowered and required to cause any person so refusing, to be brought before him, and to administer an oath or affirmation to fuch person so reprefented, excepting to such persons as were appointed Counsellors within the State by mandamus from the King of Great-Britain, accepted such appointment, acted in confequence of

it, and have fince joined the enemy, and to such other persons as have less the State, since the nineteenth of April, 1775, and have joined the enemy, such as have taken up arms against the United States, unless they can make it appear they were compelled thereto, as have enlisted men for the army, or accepted a warrant or commission for that purpose, or conveyed intelligence to them, since the declaration of Independence, in the form following:

" I, A. B. do swear (or effirm, as the case may be) that I will bear true faith and allegiance to the State of Massachusetts-Bay, and will faithfully support, and maintain and de-

fend the same, against

of his abettors, and other enemies and opposers whatsoever, and will discover all plots and conspiracies that shall come to my knowledge, against said State, or any other of the United States of America. So help me God."

And be it further enacted by the authority aforesaid, That if any person or persons to whom the said oath shall be tendered, by virtue of this Act, shall refuse to take the same, the said justice shall commit the person or perfons fo refusing to the gaol of the county where the oath was tendered, and certify the same to the Council as foon as may be, with the costs that have erisen on the process, which, with the gaoler's fees, shall be paid out of the personal estate of the person so offending, in all cases where he is of sufficient ability to defray the fame, and otherwise at the expense of the State, and the person so refusing shall, within forty days after such refusal, be sent off by order of the Council of this State, to some part of the dominions of the King of Great-Britain, at their own expence, in all cases where, in the judgment of the Council, they have estate sufficient to support it, and in all other cases at the

the public expence: and the Council are hereby impowered to cause passages to be procured for all such persons, to hire a vessel or vesfels for that purpose, and all and every fuch person or persons so refusing, shall be at liberty to sell and -dispose of his personal estate, and after fatisfying all just and equitable claims and demands, which shall be brought against him or them, to carry the residue thereof, and also to nominate and appoint an attorney or attornies, to be approved of by Council, to fell or dispose of his or their personal estate, and in like manner as the subjects of this State; to demand, fue for, and recover, in his or their name or names, all fuch debts and fums of money as are or shall be due, owing or payable to him or them respectively, in such way or manner as they shall think fit, provided it shall not be repugnant to the resolution of Congress, or the laws of this State.

And be it further enacted by the authority aforesaid, That if any person or persons so sent off from this State as aforesaid, shall voluntarily return into the same again, unless leave be obtained from the General Court for that purpose, he or they being duly convicted thereof in the superior Court of judicature, Court of affize and general gaol delivery, shall suffer the pains and penalties of perjury.

And be it further enacted by the authority aforesaid, That if any perfons who were appointed Counsellors within this State, by mandamus from the King of Great-Britain, accepted of such appointment, acted in consequence of it, and have since joined the enemy, or any such other persons as have left the State since the nineteenth of April, 1775, and have joined the enemy, or any such persons as have taken up arms against the United States, unless they can make it appear they were compelled

thereto, or have enlifted men for the enemy, or accepted a warrant or commission for that purpose, or conveyed intelligence to them fince the declaration of Independency, and fuch as have supplied the enemy with provisions, all and every person so offending who shall hereafter voluntarily return to this State, shall, by order of Council, be sent off, as if he or they had refused to take the oath or affirmation prescribed in the Act, excepting in fuch case, they shall not be entitled to any advantage from their personal estate; and if he or they shall voluntarily return to this State after being so sent off, unless leave be obtained from the General Court for that purpose, he or they shall, upon conviction thereof, in the supreme Court of judicature, Court of affize and general gaol delivery, fuffer death without benefit of clergy.

And be it enacted by the authority aforesaid. That all Members of the General Assembly, and all officers civil and military, and all attornies at law, shall take the oath or affirmation before-mentioned; and no person shall have authority to execute any of the offices or trufts aforefaid, or shall be admitted to appear and act as attorney or counsel in any Court of justice in this State, after the twentieth day of March next, unless he shall have taken said oath or affirmation; and all and every person or perfons, who shall be hereafter appointed to any of the aforesaid offices and places of trust or emolument, shall, before he enter upon the execution of fuch office or place of trust, take the oath or affirmation before prescribed: and the said oath or affirmation shall be administered to the members of the General Court, by any three of the Council, and to all others appointed to any of the offices and places of trust aforesaid, by any two of the Council, or fuch other, as shall by the faid Council, or the major part of them thereunto be appointed.

L 2 And

And be it further enacted by the authority aforefaid, That fuch perfons as are of the denomination of Christians called Quakers, to whom the faid affirmation may be tendered, the words "and defend" shall be omitted, and instead of the words. "So help me God," shall be used the words, "and this I affirm upon the pains and penalties of perjury."

State of Maffachusetts-Bay. Council-Chamber, Jan. 28, 1778.

It having been represented to this Board, that persons inimical to the United States, who went off from this State, when the British troops, under the command of General Howe, abandoned the town of Bofton, and at other times are meditating a return into America; and whereas the return of fuch persons into this State may be highly dangerous to the public fafety,

It is therefore refolved and ordered, That all persons before described, or any of them, be, and they are hereby forbidden to enter into any part of this State, without special leave obtained therefor, from the General Asiembly, upon pain of what shall fall thereon: and the good people of this State are hereby cautioned against receiving or entertaining any fuch persons, who shall not produce an authenticated certificate of their having obtained leave, as aforefaid: and all officers of this Government, civil and military, are hereby required to make due returns of the names of fuch persons, as they shall find transgressing this order, or any part thereof, to this Board, that further order may be taken thereon.

A true copy,

Attest. Samuel Adams, Sec. Extract from an Act passed the General Court of the State of Massackufetts-Bay.

And be it enacted by the authority aforefaid, That the bills of credit of the United States, established by the American Congress, and the bills of

this Government, shall be received in all payments within this State; and a tender of the same may be pleaded in bar to any action brought for the recovery of any money due by deed or fimple contract. And all Justices. Sheriffs, &c. &c. are hereby strictly enjoined to bring to justice all persons offending against this Act.

Abstract from an Act passed the 2d of January, 1778, at _ :aster, by the State of Pennsylvania, entitled, " An Act to prevent forestalling, and to regulate the mode of buying and felling, &c."

After the preamble, the second section provides, "That no person shall purchase, but for their own use, in their families, any wine, rum, whisky, molasses, sugar, tea, coffee, falt, leather, deer-skins, furs, wool, flax, cotton and wool-cards, butter, cheese, iron castings, wire, nail-roes, bar-iron, steel, hemp, linen, tow or woollen cloth, ready made cloaths, stockings, shoes, wheat, rye, Indian barley, oats, spelt, beans, peale, flour, or meal of any kind, beef, pork, mutton, cyder, beer, tobacco, neat cattle, sheep, hogs, or other live stock (except to fatten on their farms) or any goods, wares, or merchandize, brought or to be brought into this State, until he or they shall obtain a permission, signed by one of the Commissioners after mentioned; and have taken the oath of abjuration and allegiance, &c. Whoever missehaves, &c. or refuses to sell at a reafonable profit, for the bills of credit of this State, or the United States, forfeits the permit, with all his goods, wares, &c."

Third fection declares, that " no person having goods, wares, &c. already bought, or any of the things above enumerated, shall fell the same, until permit given, and oaths taken, &c. on pain of forfeiture, and three months imprisonment; and that if any person already has, or hereafter shall get any of the goods, &c. into

his hands, and shall neglect or refuse to give any inventory of them to one of the Commissioners, and apply for a permit, as aforesaid, to sell, he, she, or they, shall forfeit all such goods, &c.

The fourth fection provides, that no purchaser for the army shall buy

without permit, &c.

By the fifth fection, Commissioners are appointed (only the names of those for Northampton count to wit, Robert Levers, Samuel Ray, and William M'Nair, were inserted in the copy, the others were omitted).

The fixth gives an appeal to the Executive Council, or Justices in

their session.

The feventh declares, that no whifky, or cloathing of any kind, shall be purchased for the use of the army, until the purchaser gives security, that they shall not be removed out of the State, &c.

Signed by JAMES M'LENE, Speaker.

Abstract of an Act of Assembly of the State of New-Jersey, entitled, "A fupplementary Act to an Act, entitled, An Act to explain and amend an Act, entitled, An Act for the better regulating the militia."

Whereas in several townships and precincts in this State, the constables have neglected or refused to perform the duties required of them by an Act, entitled, "An AA to explain and amend an AA, entitled, An AA for the better regulating the militia, and

the supplemental Ast thereto."

Sect. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in every case where the constable or constables of any township or precinct shall neglect or refuse to perform the duties of him or them required by the said Act, it shall and may be lawful for any two Justices of the peace of the county in which such township lies, to issue their

warrant to any non-commissioned officer or private, being a freeholder, of any company in which a delinquency may happen, who is hereby empowered and required to execute the office of a constable in such case: and the said non-commissioned officer or private shall receive the like sees and rewards, and be subject to the like sines and forfeitures as any constable in such case might and ought to receive and be subject to.

2. And whereas the average forfeitures incurred by fuch delinquents as do not yield their personal service in the field, nor procure substitutes. and for whom the field officers of the regiment or battalion cannot procure fubstitutes, agreeable to the seventh fection of an Act, entitled, " An Act to explain and amend an Act, entitled. An Act for the better regulating the militia, and the supplemental A& thereto," are not appropriated in the faid Act; be it enacted by the authority aforefaid; That the field-officers of the several regiments or battalions shall make out, as often as occasion may require, a list of the names of the feveral persons in their respective regiments or battalions who do not procure substitutes, and for whom the faid officers cannot procure substitutes, and shall annex to the faid names the average fums in which the delinquents are feverally fined; which lift the faid field-officers shall deliver to any two Justices of the peace of the county in which fuch delinquents reside; and the said Justices are hereby required to iffue their warrant to any constable, non-commissioned officer or private, as in the preceding fection of this Act is directed, commanding him to levy the same by distress and sale on the goods and chattels of the respective delinquents, and the money when recovered shall be paid to the collector of the county, to be by him paid into the Treasury for

Morris-

the use of the State."

Morris-town, January 16, 1778.
In Council of Safety.

Whereas it has been represented to us, that some evil-minded persons, enemies to the liberties of America, or preferring private lucre to the important interests of their country, endeavour to persuade the more ignorant and unwary, that a cortain Act of the Legislature, passed the eleventh day of December last, intitled, 'An Act for regulating and limitting the price of fundry articles of produce, manufacture and trade, and to prevent ferestalling, regrating and engrossing, will not be carried into execution, hoping by fuch wicked arts to discourage a due obedience thereto, and to defeat the falutary purposes thereby intended: and whereas the public fafety indispensibly requires, and the executive authority of the States is in duty bound to have the said Act punctually carried into effect, it is therefore earnestly recommended to, and strictly enjoined upon all Justices of the peace and other officers whom it may concern, on pain of being prosecuted for neglect of duty with the rigour of law, to execute the faid Act with all possible vigour and diligence; and if need be, to apply to the Board for their aid and co-operation in the premises, and to transmit the names of all fuch delinquents (together with those of the witnesses) who shall prefume to speak contemptuously of the faid Act, or to act in violation thereof, in order that they may be brought to speedy and condign punishment, and treated as persons dangerous and disaffected to the present Government.

WM. LIVINGSTON, Prefident,

Trenton, March 4, 1778.

His Excellency's Message to the General

Assembly.

Gentlemen,

Confidering the multiplicity of bufiness that will require your attention at this fitting, and how much was left unfinished at the last, I am persuaded that your zeal for the public interest will not suffer you to rise till you have dispatched every matter of moment that shall require deliberation.

As the compleating our battalions demands your speedy consideration, I herewith lay before you a state of the non-commissioned officers and soldiers of the four New-Jersey regiments according to the weekly return of the 5th of January last. By this you will be convinced of the necessity of the most expeditious and vigorous measures for increasing those regiments to the full complement of men, of which, according to the establishment, they ought to confift. confident I need not use any arguments with you to shew the importance of our having a respectable army to open an early campaign before the enemy can be strengthened by reinforcements from Europe. Whatever expectations we may have of a rupture between Great-Britain and France, which is doubtless highly probable, it is surely not the part of wise men to depend upon uncertain contingen-We ought, under God, to rely folely upon ourselves and our own refources; and act as though we had no expectations of foreign fuccours, because we may, for any thing that can be known to the contrary, be difappointed, how rational and wellfounded foever fuch expectations may at present appear. If, however, in addition to our own preparations, we should derive any advantage from a declaration of war against the enemy by the King of France, or any other potentate, such coadjutant power will tacilitate the final establishment of our Independence. But in a work so glorious, and thus far so happily atchieved without foreign aid, it will neither be confistent with our honour or fasety, to be in a condition that will make fuch affiftance necessary.

I am now to request your attention to a very solemn Act of Congress of the

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the 8th of January, for suspending the embarkation of Lieutenant-general Burgoyne, and the troops under his command, till a distinct and explicit ratification of the Convention of Saratoga shall be properly notified by the Court of Great-Britain to Congress. The reasons for adopting this measure are set forth at large in the Act which I herewith lay before As the Congress, after long and mature confideration, judged the measure to be indispensibly their duty, and equally justifiable and necessary, they are confident their resolutions will be confirmed by the approbation of all their constituents in these United States, who are most nearly concerned. They conceiving it an act of fuch folemnity, as to deferve the concurrence of all the States in the Union, though they are doubtless competent to the Lufiness of ratifying or disapproving any capitulation made by their Generals, I doubt not it will meet with your approbation.

I am further to acquaint you, Gentlemen, that Congress, conceiving it expedient to promote a speedy reformation in the army, as well for the purpose of discipline as occonomy, and the number of officers being already out of all proportion to that of the privates, to avoid further embarrassments in this respect, they have recommended it to the Governments of the 31st of December, to suspend filling up any vacancies in their respective regiments until they shall hear farther from Congress on the subject.

You will also be pleased to turn your thoughts to a very important resolution of the 3d of December last, earnestly recommending it to the legislative authorities of the respective States, forthwith to enact laws requiring all persons within their respective States, who may be possessed of any bills of credit struck under the sanction and authority of the King of Great-Britain, on or before the

10th day of April 1775, forthwith to deliver in the same to a Commissioner or Commissioners for that purpose to be appointed in each county of the respective States, authorising such Commissioner or Commissioners to give in exchange for any fum fo paid, in Continental money or bills of credit of their respective States, and to declare in the laws so enacted, that all bills of credit under the description above-mentioned, which shall not be so delivered in within such reasonable time as the respective States shall for fuch purpose limit, shall thenceforth become utterly irreparable.—A law to this purpose must be evidently conducive at once to abolish the infamous practice of making a difference between what is called the old and the new money, and to increase the value of the Continental currency. (under both which views I recommended it to you before I was honoured with the last mentioned resolution of Congress) that I doubt not it will receive your ready approba-And should such an act be accompanied by a tax at least of 1.100,000, the effect it will have in supporting the credit of our money. and reducing the price of provisions, cannot but strike the most inconsiderate mind.

Your attention, Gentlemen, is farther folicited by a resolution of Congress of the 15th of January last, accompanied with a letter from the Board of war of the 19th of the same month.—As good steel is an article so indispensibly necessary, not only for the purposes of war, but those of internal husbandry, and it is said that the Andover iron is better suited to this business than any other in America, I doubt not you will readily comply with the expectations of Congress in this respect.

I cannot upon this occasion help remarking, that as no articles whatsoever can with less disficulty be dispensed with in military operations

than

than iron and steel, you will find upon the flightest recollection, that none of our citizens are more generally disaffected than those who are interested or employed in manufacturing iron. A strong presumption that the enemy has been particularly industrious in corrupting these men, with a view to distress us in a most effential point. And as I suppose one of the first things that will engage your attention will be the confication of the estates of our internal enemies. recommended to you at the last fitting, this requisition may be carried into execution by the general bill of forfeitures.

From the difficulty of having recourse to the number of separate Acts into which our military code is already branched, I would recommend to you a revision of all our militia laws, and to have them all comprised in one. In forming this digest, I hope the procuring of substitutes, of which we have experienced the fatal confequences, and which must at last inevitably ruin our militia, will be repealed.

In lieu of calling out the militia to be statedly posted in such parts of the State as are more particularly exposed to the incursions of the enemy, I would recommend a plan both more effectual against hostile irruptions, and attended with much less expence to

the public.

I would propose two State regiments, properly officered, and by the best officers, to be raised for a year, and not liable to be called out of it, except by the authority appointed to call out the militia. As these corps would be better disciplined than the common militia, they would of consequence be better troops, and more formidable to the enemy.—The time that is at prefent lost by the militia's going from and returning home in their monthly tours, would be faved. The posts to be occupied by them would not be vacant, till there was reason for wholly quitting them, as it now frequently happens (in great measure) by the monthly reliefs. The bounty which is now paid monthly in addition to the Continental pay, would in all probability raife the regiments for a year. Such men as could beit be spared from home would be most likely to enter into the service, and the more industrious farmer remain at his hufbandry, except in case of an actual invasion. The disorders and depredations fo often committed by the militia on the property of their fellow citizens, which is principally to be imputed to the connivance of fuch worthless officers by whom they are fometimes commanded, as have not the spirit to maintain a proper subordination, would have been prevented. The superiority of this plan to our present practice of harrassing the husbandman in a State subsisting by agriculture, needs I think to be but mentioned, in order to be approved.

I would moreover recommend to you, Gentlemen, the passing a law which I recommended to the former Assembly in September last, to enable every obligor or debtor, whose creditor is removed out of the State, or cannot be found in it, or who refuses to receive the debt when tendered, to pay the same into the Treasury for his use, and to be thereupon difcharged from the fum so paid, and all the interest thereafter accruing, or to be discharged from the principal and interest in such other manner, without paying the fum into the Treafury. as the Legislature shall think most

proper.

As there is great reason to apprehend that a confiderable part of many of the personal estates which are forfeited in consequence of an Act, entitled, " An Att of free and general pardon, and for other purposes therein mentioned," is secreted and concealed from the Commissioners by the faid

Act

Act appointed, it appears highly neceffary for the more effectually attaining the valuable ends thereby intended, to pass a law for authorising the Commissioners to compel the appearance of persons suspected of concealing fuch effects, or of being indebted to the delinquent, and to examine them as well as other witnesses upon oath, with proper penalties for fuch concealment, and adequate rewards to induce a discovery. A law to this purpose will fave the State many thousand pounds, which will otherwife be loft through the fraudulent practices of the friends and agents of the offenders, whose personal estates are by the faid Act declared forfeited.

The militia posted along such of our frontiers, from which the disaffected among us carry on a commercial intercourse with the enemy, frequently feize the commodities so carried, or the merchandize brought back in exchange for them, and appropriate them to their own use. This being altogether illegal, cannot be countenanced by Government, and the militia being thus judges in their own case, and immediately interested in condemning as prize the booty they take, are under strong temptations to plunder, under that pretext, persons near the enemy's lines who have no intention of conveying into them the effects they are transporting. If, on the other hand, they are restrained from conficating the provifions or other effects actually designed to be conveyed to the enemy, or the return cargo bartered for them, confidering the additional fervice and hazard in making fuch feizures, they will not make them at all; and thus the pernicious traffic will be carried on without interruption. I would, therefore, recommend to your confideration a law authorifing the militia, or any other persons, to seize all effects inspected to be carrying to, or coming from, the enemy, and to have them properly inventoried and Vol. VI.

fecured till the person from whom they are taken shall be legally tried; and if convicted of the offence, to be appropriated to the person who seized them as part of the punishment to be inflicted upon the delinquent, but if acquitted, to be restored to the owner. This will be both an encouragement to make such seizure, and oblige the person making them to bring the criminal to justice, without whose conviction he cannot be entitled to the property, at the same time that it will prevent the lawless and indiscriminate violation of private property, under the specious pretence of an illicit correspondence.

Confidering the fufferings of such of our militia as have been made prifoners by the enemy, I doubt not you will see the necessity of appointing a State Commissary to supply them with provisions, and such other ne-

cessaries as they may want.

Gentlemen,

We are now arrived at a very important crisis of the contest. The next campaign will probably terminate in something very decisive. Considering the natural strength of America, and the reason we have from the justice of our cause to depend upon the Divine interposition in our behalf, it will be our own fault, if it does not terminate in our favour. Our constituents expect our most strenuous efforts—and I trust your patriotism will not suffer them to be disappointed.

WILL. LIVINGSTON.

Trenton, Feb. 16.

Trenton, March 4.
To the inhabitants of New-Jersey.
Gentlemen.

Confidering the noble ardour which this State has uniformly manifested in the common cause, I am confident that our virtuous farmers will take a particular pleasure in complying with his Excellency the General's request. They will distain, in the close of our M struggle,

struggle, to fully the honour which New-Jersey has deservedly acquired, by affording all possible aid during the contest. It is hoped the next campaign will make the enemy repent their execrable purpose of enslaving a free people, and teach even British stupidity, wisdom. For liberty's sake, Gentlemen, let not our expectations of this campaign be difappointed for want of the supplies we can fo eafily furnish. I know you will exert yourselves, and want neither arguments to convince, nor exhortations to rouse you. Your country calls; and to the call of your country, you were never deaf.

WILL LIVINGSTON. Trenton, Feb. 25, 1778.

To the inhabitants of New-Jerfey, Pennsylvania, Delaware, Maryland, and Virginia.

" Friends, Countrymen, and Fellow Citizens,

" After three campaigns, dufing which the brave subjects of these States have contended, not unfuccessfully, with one of the most powerful kingdoms upon earth, we now find ourselves at least upon a level with our opponents; and there is the best reason to believe, that efforts adequate to the abilities of this country would enable us speedily to conclude the war, and to fecure the invaluable bleffings of peace, liberty, and safety. With this view, it is in contemplation, at the opening of the next campaign, to assemble a force fufficient, not barely to cover the country from a repetition of those depredations which it hath already fuffered, but also to operate offensively, and to strike some decisive blow.

"In the profecution of this object, it is to be feared that so large an army may suffer for want of provisions. The distance between this and the Eastern States, whence considerable supplies of sless have been hitherto drawn, will necessarily render those

fupplies extremely precarious. And unless the virtuous yeomanry of New-Jersey, Pennsylvania, Delaware, Maryland, and Virginia, will exert themselves to prepare cattle for the use of the army, during the months of May, June, and July next, great difficulties may arise in the course of the campaign: it is therefore recommended to the inhabitants of those States, to put up and feed immediately as many of their stock cattle as they can spare, so that they may be driven to this army within that period. A bountiful price will be given, and the proprietors may affure themselves that they will render a most essential service to the illustrious cause of their country, and contribute. in a great degree, to shorten this bloody contest. But should there be any so infensible to the common interest, as not to exert themselves upon these generous principles, the private interest of those whose situation makes them liable to become immediate subjects to the enemy's incurfions, should prompt them at least to a measure which is calculated to save their property from plunder, their families from infult, and their own persons from abuse, hopeless confinement, or perhaps a violent death.

GEORGE WASHINGTON."

Head-Quarters, Valley-Forge,
Feb. 18, 1778.

North-Carolina.

An Act for confiscating the property of all such persons as are inimical to the United States, and of such persons as shall not, within a certain time therein mentioned, appear and submit to this State, whether they shall be received as citizens thereof; and of such persons as shall so appear and shall not be admitted as citizens; and for other purposes therein mentioned.

Whereas divers persons who have heretofore owned and possessed lands, tenements and hereditaments, and also

also moveable property, within this State, have withdrawn themselves from the same, and attached themfelves to the enemies of the United States of America; and also divers persons who have withdrawn to places beyond the bounds of any of the United States, in order to avoid bearing their proper and equal part in defence of the freedom and independence of the same; and also divers persons who having been beyond the bounds of the United States at the beginning of the present war, have failed to return and unite their efforts for the common defence of American liberty; and it is expedient and just that every person for whom property is protected in any State, should be and appear within the same, or join in defence thereof, whenever the same is threatened or invaded. And it is also just that a reasonable time be given for all such as have it in their power to alledge favourable or mitigating circumstances to induce this State (ever attentive to the rights of natural justice, and ever ready and willing to receive to grace and favour all who are fincerely attached to liberty) to receive them as citizens, and restore them to the possessions which once belonged to them.

Be it therefore enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the lands, tenements, hereditaments, and moveable property within this State, and all and every right, title, and interest therein, of which any person was seized or possessed, or to which any person had title on the 4th of July, in the year one thousand feven hundred and feventy-fix, who on the faid day was absent from this State, and every part of the United States, and who is still absent from the fame, or who hath at any time during the present war attached himself to, or aided or abetted the enemies of the

United States, or who has withdrawn himself from this or any of the United States after the day aforesaid, and still resides beyond the limits of the United States, shall and are hereby declared to be confiscated to the use of this State, unless such person shall, at the next General Assembly, which shall be held after the first day of October, in the year one thousand feven hundred and feventy-eight, appear, and be by the faid Assembly admitted to the privilege of a citizen of this State, and restored to the posfessions and property which to him once belonged within the same.

Provided that this shall not extend to such persons as are or have been actually employed in the service of the United States, or any of them, and have not deserted to the enemy, or traitorously violated their trust, or to such as are imprisoned, of unsound mind, or under the age of twenty-one

And provided also, that nothing herein contained shall be construed to give permission to such persons as have removed themselves, or have been removed under the compulfive authority of any law of this State, or who have removed themselves to avoid taking the oath of allegiance to this State to return thereto, or to avoid any fales of lands, tenements, hereditaments, or moveable property by fuch persons, bona fide, made before their departure, or pursuant to an Act of Assembly passed at the last fession of this Assembly, entitled, An Act for declaring what crimes and practices against the State shall be treason, and what shall be misprision of treason, and providing punishments adequate to crimes, of both classes, and for preventing the dangers which may arise from persons disaffected to the State.

A true copy from the original, December 28, 1777.

J. SITGREAVES, Affist. Cle. H. C. M 2 Fish-

Fish-Kill, December 18.

The following two letters which passed between General Parsons and General Tryon, shewing the line of conduct the enemy mean to pursue, some instruction may be learnt from the scope—it exhibits their determined intention to burn and lay waste our habitations, and imprison our persons. They will drive us to retaliate with equal severity, if they go on in this way.

Maroneck, November 21, 1777.

Sir,

Adding to the natural horrors of war, the most wanton destruction of property, is an act of cruelty unknown to civilized nations, and unaccustomed in war, until the servants of the King of Great-Britain have convinced the impartial world, no acts of inhumanity, no stretch of despotism are too great to exercise towards those they may term rebels.

Had any apparent advantage been derived from burning the houses on Phillips's manor, last Monday, there would have been some reason to justify the measure; but when no benefit whatever can be proposed by burning those buildings, and stripping the women and children of necessary apparel to cover them from the severity of a cold night; and captivating and leading in triumph to your lines, in the most ignominious manner, the heads of those families, I know not what justifiable cause to assign for those acts of cruelty, nor can I conceive a necessity for your further order to destroy Tarry-town.

You cannot be infensible, it is every day in my power to destroy the houses and buildings of Colonel Philips, and those belonging to the family of Delancey, each as near your lines as those buildings were to my guards; and notwithstanding your utmost vigilance, you cannot prevent the destruction of every house on this side of Kingsbridge. It is not fear, it is not want of opportunity, has pre-

ferved those buildings; but a sense of the injustice and savageness of such a line of conduct has hitherto saved them; and nothing but necessity will induce me to copy the examples of this fort, frequently set by your troops.

It is not my inclination, Sir, to war in this manner, against the inhabitants within your lines, who suppose themselves within your King's protection. But necessity will oblige me to retaliate in kind upon your friends, to procure the exercise of that justice which humanity used to dictate, unless your explicit disavowal of the conduct of your two Captains, Emmerick and Barns, shall convince me those houses were burned without your knowledge, and against your order. I am, Sir,

Your humble fervant,

(Copy) SAMUEL H. PARSONS. General Tryon.

King sbridge Camp, Nov. 23, 1777.

Could I possibly conceive myself accountable to any revolted subject of the King of Great Britain, I might answer your letter received by the flag of truce yesterday, respecting the conduct of the party under Captain Emmerick's command, upon the taking of Peter and Cornelius Van Taffel; I have, however, candour enough to affure you, as much as I abhor every principle of inhumanity, 'or ungenerous conduct, I should, were I in more authority, burn every Committee-man's house within my reach, as I deem those agents the wicked instruments of the continued calamities of this country; and in order the fooner to purge this colony of them, I am willing to give twenty filver dollars for every acting Committeeman who shall be delivered up to the King's troops. I guess before the end of the next campaign, they will be torn to pieces by their own countrymen, whom they have forcibly dragged, in opposition to their princı, leş

ciples and duty, (after fining them to the extent of their property) to take up arms against their lawful Sovereign, and compelled them to exchange their happy constitution for paper, rags, anarchy, and diffress.

The ruin from the conflagration of New-York, by the emissaries of your party last year, remain a memorial of their tender regard for their fellow beings exposed to the " severity of a

cold night."

This is the first correspondence I have held with the King's enemies, on my own part, in America; and as I am immediately under the command of Sir Henry Clinton, your future letters, dictated with decency, would be more properly directed to I am. Sir. his Excellency.

Your most obedient servant, WILLIAM TRYON, Maj. Gen. (Copy)

To General Parsons.

New-York, December 27.

By a letter from East-Jersey, we are informed, there is a fcouting party three times a day on New-Barbadoes neck; 100 of the rebels are billetted at Second River. The following new law was passed in the last rebel Asfembly of that Province:-

"The women that may be caught in coming to New-Jersey from New-York, are to be fined 300l, and fuffer fix months imprisonment; and all men so detected, are to be hanged, or obliged to enlift into the Conti-

nental army."

There is also an Act passed for selling the lands of all those well affected

to Government.

A person arrived in town from the North River, informs us, that the rebels are building two row-gallies, and two floating batteries at Poughkeepsie; and that they are constructing a new fort at New-Windsor, of three acres in circumference, and that some guns are already mounted on it.

By order of his Excellency Sir WIL+ LIAM Howe, K. B. General and Commander in Chief, &c. &c. &c. PROCLAMATION.

I do hereby give notice to the inhabitants of the city of Philadelphia and its environs, it is the order of his Excellency, that "No person whatever, living within the faid city and its environs, shall appear in the streets between the beating of the tattoo, at half an hour after eight o'clock in the evening, and the reveille in the morning, without lanthorns. And all who shall be found abroad within the time aforesaid, will be liable to be examined by the patroles and confined. unless they shall give a satisfactory account of themselves." And I do hereby enjoin and require the inhabitants, and all others residing in the city and its environs, to pay strict obedience to the faid order, and govern themselves accordingly.

Given under my hand at Philadelphia, this 8th day of January, in the eighteenth year of his Majesty's Jos. GALLOWAY. reign.

Superindendent-general.

By order of his Excellency Sir WIL-LIAM HOWE, K.B. General, and Commander in Chief, &c. &c. &c. PROCLAMATION.

I do hereby, in concurrence with the magistrates of the police, order and direct, that no ferry whatever from the city of Philadelphia, or any other place within the environs thereof, to the province of New-Jersey, be allowed. fave those called and known by the names of the Old and New Ferries. Water-street, near Arch-street: and that no person or persons whatever presume to cross the river to the Jersies, or land from thence, at any other place than t'e above-mentioned ferries, nor cross from those ferries but by virtue of a pass, under the hand of one of the magistrates, of which the ferrymen and all others are hereby dire ted to take notice, and govern themselves accordingly, on

pain of imprisonment.

Given under my hand at Philadelphia, this 15th day of January, in the eighteenth year of his Majesty's reign.

Jos. GALLOWAY. Superintendent-general. By his Excellency Sir WILLIAM Howe, K. B. General, and Commander in Chief, &c. &c.

PROCLAMATION. It being necessary that a plentiful fupply of vegetables, fresh provisions, hay, and other forage, be provided for the use of his Majesty's army, navy, and the inhabitants of the city of Philadelphia, and its environs, I have thought fit, in order to encourage his Majesty's faithful subjects chearfully to exert themselves in raising the said supplies, to issue this proclamation, affuring them of all possible protection; and hereby Bricely charging and commanding, that no perion or perions, under any pretence whatever, prefume to commit any trespass upon the lands inclosed of any other person or perfons, or to break down, destroy, carry away, or in any way injure the banks, walls, hedges, or fences now standing, or hereafter to be erected, of any fuch inclosed lands, as they will answer the same at their peril. And to the end that this Proclamation may be more strictly obeyed, and the good purposes intended carried into full execution. I do hereby charge and command all officers, foldiers, and others, to feize and deliver over to any officers commanding any part of his Majesty's forces, or to the Provoit-Martial, all persons perpetrating any of the trespasses aforefaid, in order that fuch offenders may be brought to condign punishment; hereby declaring, that any neglect thall be confidered and punished as a breach of orders. do further charge the commanding officers, and Provoit-Martial afore-

faid, from time to time, to receive into their custody all such offenders as shall be brought to them, and duly

to make report thereof.

Given under my hand at headquarters, in Philadelphia, the fecond day of March, in the year of our Lord one thousand seven hundred and seventy-eight.

W. Howe.

By his Excellency's command, ROBERT MACKENZIE. Sec.

NEWPORT, Jan. 15. To the Right Hon. Lord Viscount Howe, Vice-Admiral of the White, Commander in Chief of all his Majesty's bips and wessels, employed and to be employed in North America. &c. &c. &c.

May it please your Lordship, We the subscribers, inhabitants of the town of Newport, in his Majesty's colony of Rhode-Island, humbly beg leave to present our sincere congratulations, and to express our perfect respect for your Lordship, upon your safe arrival in this harbour.

Animated by the most loyal and warmest attachment to his Majesty's person and government, and impressed with the deepest sense of the happiness and prosperity we have long enjoyed under the mild protection of our mother country, we deeply deplore the success of those arts. which, with the most unexampled malignity and ingratitude, have been employed to detach affections founded in relation and duty, and to seperate interests which can only be flourishing and permanent, while they are mutual and united.

We should rejoice, could we now congratulate your Lordship, that the veil of faction was removed from the eyes of our fellow subjects in these colonies, and that the voice of reason and truth had prevailed over the popular tumult and delusion: but though we have not this happiness, we feel much confolation in the midst

of our public calamities, that his Majesty hath appointed your Lordship to the present important service, from whose well-known benevolence, moderation, and abilities, we have a right to hope for the most salutary consequences to ourselves and our country.

Permit us, my Lord, to assure you. that it will afford us the highest satisfaction, when his Majesty's paternal defires for the welfare, liberty and union of his people, as free members of one great and increasing empire, can be brought forward to an accomplishment by your Lordship's conduct and endeavours; and we earnestly hope that our misguided countrymen, though now inflamed to the commission of the most violent acts, under pretence of afferting their civil and religious liberties, will recollect their former prosperity, will coolly confider their present situation of real oppression and bondage, and viewing it at once as an object both of interest and duty, will return to their allegiance and to the renewal of those antient ties, by which they became prosperous in their interior circumstances and commerce, as well as fecure against their external enemies. These sentiments, worthy (as we conceive) of all honest men and true patriots, we cannot but flatter ourfelves will, and must have their due influence upon the opinions and difpositions of our fellow colonists.

Zeal for the general good impresses us with the most ardent wish, that, as these provinces have long gloried in their decent from Britain, they will again rejoice in the most indissoluble connection with it.

We beg leave to return our best acknowledgements for the early attention shewn us, and we testify with particular gratitude our obligations to Major-General Pigor, for his mild and upright administration, and for his constant regard to the security and satisfaction of this town.

Allow us, my Lord, to add, that we shall be happy in shewing every testimony of respect to your Lordship, while the welfare of the public services can permit us to enjoy the honour of your residence at Rhode-Island.

Joseph Wanton, jun. John Mawdfley, Stephen Ayrault, Augustus Johnston, James Keith, Walter Chaloner, William Wanton, Francis Malbone.

At a meeting of the inhabitants of the town of Newport this day, it was unanimously resolved, that the foregoing Address be presented to the Right Honourable Lord Viscount Howe; and that Joseph Wanton, jun. John Mawdsley, Stephen Ayrault, Augustus Johnston, James Keith, Walter Chaloner, William Wanton, and Francis Malbone, be appointed to sign and present the same, in behalf of the town.

Newport, Jan. 12, 1778. His Lordship's Answer. Gentlemen.

I have much fatisfaction in this testimony of your duty to the King, and attachment to the constitution of the British empire.

I shall be extremely happy, if, in the signification of his Majesty's most gracious intentions, I can promote the re-establishment of that peace and union between Great Britain and the Colonies, which form the surest basis of their mutual interest and security.

My grateful thanks are due for this obliging mark of your efteem. And it is with particular pleasure I see, that your protection and tranquility have been entrusted to the very respectable officer possessing the chief authority in this island.

To Sir PETER PARKER, Knt. Rear Admiral of the Blue, &c.

His Majesty's loyal subjects, inhabitants of the town of Newport, cannot think, Sir, or feeing you depart, without bearing their publick and strongest testimonial of the general as

well as personal attentions, which, during your residence here, you have constantly extended towards them.

They would not, Sir, offend by enumerating the causes of their gratitude, but they must particularize the anxiety and zeal you have ever evinced to remove their distresses, by the ready supply of convoys and other

necessary protections.

The fresh mark you have received of your royal Master's favour, in being appointed to command on the Jamaica station, gives them the sincerest pleasure; and, let them assure you, Sir, as you have impressed them with the truest sentiments of grateful esteem, so you will, in all situations, be attended with their warmest wishes for success and happiness.

Signed at the request, and in behalf of the inhabitants of the town of Newport, specially convened by permission of Major-general Pigot, commanding his Majesty's troops within the colony of Rhode-Island, the 12th

of January, 1778.

Joseph Wanton, jun. John Mawdfley, Stephen Ayrault, Augustus Johnston, James Keith, Walter Chaloner, William Wanton, Francis Malbone.

The Admirat's Answer. Gentlemen,

I am obliged to you for the interest you take in the honour the King has been graciously pleased to confer upon me; and I am very happy, that in the discharge of my duty during my stay here, I have had opportunities of contributing to your benefit and satisfaction.

Jan. 22. This morning Sir Peter Parker failed from this port for the Jamaica station.

Letter from Major-general ROBERT-SON to bis Excellency Governor Livingston.

Sir, New-York, Jan. 4, 1778. I am interrupted in my daily attempts to foften the calamities of pri-

foners, and reconcile their case with our security, by a general cry of refentment, arising from an information——

That officers in the King's service, taken on the 27th of November, and Mr. John Brown, a Deputy Commissary, are to be tried in Jersey for high treason; and that Mr. Ilist and another prisoner have been hanged.

Though I am neither authorised to threaten or to sooth, my wish to prevent an increase of horrors will justify my using the liberty of an old acquaintance, to desire your interposition to put an end to, or prevent measures which, if pursued on one side, would tend to prevent every act of humanity on the other, and render every person who exercises this to the King's enemies odious to his friends.

I need not point out to you all the cruel consequences of such a procedure. I am hopeful you will prevent them, and excuse this trouble

from, Sir,

Your most obedient humble servant,

JAMES ROBERTSON.

N. B. At the moment that the cry of murder reached my ears, I was figning orders, that Fell's request to have the liberty of the city, and Colonel Reynold to be set free on his parole, should be complied with. I have not recalled the order, because though the evidence be strong, I cannot believe it possible a measure so cruel and impositic could be adopted where you bear sway.

To William Living ston, Esg. &c. &c.

Governor Livingston's Answer. Sir. Fanuary 7, 1778.

Sir, January 7, 1778. Having received a letter under your fignature, dated the 4th instant, which I have some reason to think, you intended for me, I sit down to answer your inquiries concerning certain of ficers, in the service of your King, taken on Staten-Island, and one Browne, who calls himself a Deputy Commissary; and also respecting one Ilist and another prisoner, (I suppose

fhared the fate you mention, who

have been hanged).

Buskirk, Earl, and Hammel, who are, I presume, the officers intended, with the faid Browne, were fent to me by General Dickenson as prifoners taken on Staten-Island. Finding them all to be subjects of this State, and to have committed treason against it, the Council of Safety committed them to Trenton gaol. At the same time I acquainted General Washington, that if he chose to treat the three first, who were British officers, as prisoners of war, I doubted not the Council of Safety would be fatisfied. General Washington has fince informed me, that he intends to consider them as such; and they are therefore at his service whenever the Commissary of prisoners shall direct concerning them. Browne, I am told, committed feveral robberies in this State before he took fanctuary on Staten-Island, and I karcely imagine that he has expiated the guilt of his former crimes, by committing the greater one of joining the enemies of his country. However, if General Washington chooses to confider him also as a prisoner of war, I shall not interpose in the matter.

lliff was executed, after a trial by a jury, for enlisting our subjects, himself being one, as recruits in the British army, and he was apprehended on his way with them to Staten-Illand. Had he never been subject to this State, he would have forfeited his life as a spy. Mee was one of his company, and had also procured our subjects to enlist in the service of the

If these transactions, Sir, should induce you to countenance greater feverities towards our people, whom the fortune of war has thrown into your power, than they have already suffered, you will pardon me for thinking that you go farther out of your way to find palliatives for inhu-Vol. VL

you must mean John Mee, he having manity than necessity seems to require; and if this be the cry of murder, to which you allude, as having reached your ears, I fincerely pity your ears for being fo frequently alfaulted with cries of murder much more audible, because much less distant; I mean the cries of your prifoners, who are constantly perishing the gaols of New-York (the coolest and most deliberate kind of murder) from the rigorous manner of their treatment.

> I am, with due respect, Your most humble servant. WILLIAM LIVINGSTON. James Robersson, Esq. &c. &c.

> P. S. You have distinguished me by a title which I have neither authority nor ambition to assume; I know of no man, Sir, who bears fway in this State. It is our peculiar felicity, and our superiority over the tyrannical fystem we have discarded, that we are not swayed by men-In New-Jersey, Sir, the laws alone bear fway.

The following instructions were found on board the floop Molly, (belonging to Virginia) brought into New-York by his Majesty's ship Levant:

Directions for Captain THOMAS CHAMBERLAYN, of the floop Molly. May 24, 1777.

You are, after you have cleared out your vessel, to watch for an opportunity of getting out of the Bay and Cape, and having done that, steer directly east, till you have got so far out of the reach of the men of war upon our Cape; then alter your course and go to Curacoa, where you will enquire for Mr. Gouverneur, to whom you will give the letter, and deliver the tobacco, agreeable to bills of lading with the staves, &c. taking his receipt for the tobacco and other things. You are then to load with falt, rum, fugar, molasses, and coffee, and with all dispatch return here,

or to North-Carolina, taking all the advice you can of the fituation of the enemy, and by every means avoiding them; advise me by every opportunity of your welfare; should you be taken, you are to throw your letters overboard, but not unless you are fure of being made prisoners. In your return from Curacoa, take a clearance for Newfoundland, and a Dutch bottom, and if you are taken by the enemy, show them that, and it will clear you; you may also bring one for this State, as perhaps some privateers may take you, and you may then use that; in order to colour the defign, you may bring five or fix Dutch failors, who may be told you are going to Newfoundland, and that will deceive the enemy, unless they are uncommonly fevere. Đ٥ not let these orders fall into their hands by any means. When you come near to Porto Rico, attend to the following advice of Mr. Gouverneur's, which is, "Let him come through the Porto Rico and Monah passage, and then stretch over close by the wind, and should he fall in to windward, as high as the Islands of Avis or the Rocoasis, let him stretch to the fouthward; and make the main, then shape his course directly for this island, avoid making Bonairy, where, if any cruizers this way, generally are, the Portland and her tenders are there at present; and am sure that within this fortnight or three weeks, we have had at least 10 or 12 sail arrived from America; but should he make the north fide of Bonairy, let him run down the north fide of this island, and come under the west end, where there is a fine bay and fort to protect him all the way up; this is the rout Captain Harley took, and can give particular directions to any one coming this way." So far goes the advice which you will attend to. Should you by any accident in your passage to, or from Curaçoa, not reach the port of destination, but go

to either of the ports hereafter enumerated, you will apply to the gentlemen at each of the places, to affift you, and dispose of your cargo, of leave it as I shall now direct,

If you go to Guadaloupe or Martinico, apply to Mr. Bingham, agent for Congress, and direct him to retain all the tobacco, except what will load you; the rest send to Amsterdam, as below.

'If to Eustatia, to

If to Cape François, to Messirs. Lorg, Plombard and Co. all of whom will receive the tobacco, and you may defire them after loading the vessel with salt, rum, sugar and molasses, to ship the balance to Amsterdam to Messirs George Clissoral Teylet, or to France, to Nantz, to Messirs. Pliarne and Co. taking their receipts for the tobacco—their obligation to do so for Messirs. Willing, Morris, and Braxton, there, to be disposed of by the house to whom consigned, and the money to lay until called for by us.

If you come to South-Carolina, apply to Mr. John Dorsius, merchant, in Charles-town.

If to North-Carolina, to Mr. Hewes and Smith, morchants at Eden-town; but in either of these latter cases you will fend me expresses, as you are insured you will send me proof of your being taken, if it should be the case.

CARTER BRAXTON.

CERBERUS.—Copy of a letter feat to Rear Admiral Sir Peter Parker; August 15, 1777.

Wednesday night being at anchor to the westward of New-London in Black Point Bay, the schooner I had taken, at anchor close by me a-stern, about eleven o'clock at night we discovered a line towing a-stern that came from the bows; we immediately conjectured that it was somebody that had veered himself away by it, and began to haul in; we then found the schooner

Ichooner had got hold of it, (who had taken it for a fiishing line) gathered in near fifteen fathom, which was buoyed up by little bits of flicks at stated distances until he came to the end, at which was fastened a machine, which was too heavy for one man to haul up, being upwards of 100 weight; the other people of the boat turning out; affisted him, got it in upon deck, and were unfortunately examining it too curiously, when it went off like the found of a gun, blew the boat into pieces; and fet her in a flame, killed the three men that were in the ftern; the fourth; who was standing forward; was blown into the water; I holked out the boat, and picked him up much hurt: as foon as he could recollect himself, he gave me the following description, as near as he could remember:—It was two veffels, shaped like a boat, about twenty inches long, and a foot broad, fecured to each other, at the distance of four feet, by two iron bars, one at each end, and an iron tube or gun barrel in the centre, which was loose, (as he had himself turned it round with his hand); they swam one over the other, the upper one keel upwards, the lower swam properly, but was fo under water as just to keep the upper one a few inches above the furface: to the after iron bar hung a flat . board, to which was fixed a wheel about fix inches diameter, and com-· municated itself to one on the upper fide of the boat, of a leffer diameter; opposite to these was another wheel, on the flat of the under one or loaded that kind of combustible that burns vessel, which had likewise communi- though in the water. cation with the wheels of the upper boat; it was covered with lead, and the keel heavy loaded, in order to keep it down in the water.

The fatal curiofity of the seamen working in iron) fet this wheel a- ing for him to enquire if the model going, which it did with great eafe backwards and forwards, and during their looking at it, which was about

five minutes from the time of its being first put in motion, it burst. Upon examining round the ship after this accident, we found the other part of the line on the larboard fide buoved up in the same manner, which I ordered to be cut away immediately, for fear of hauling up another machine, which I concluded was fast at the end, and might burst when near the ship.

The mode these villains must have taken to have swifted the ship, must have been to have rowed off in the stream a confiderable distance a-head of the ship, leaving one of their infernals in shore, and floating the other at the distance of the line, which, from the quantity that we have got on board (near 70 fathom) and what the man tells me they faved in the schooner, which was upwards of 150 fathom more, must have been near 300 fathom; they at the length of this line put the other in the water. and left it for the tide to float down, which in this place runs very strong.

As the ingenuity of these people is fingular in their fecret modes of mifchief, and as I prefume this is their first essay, I have thought it indispenfibly my duty to return and give you the earliest information of the circumstances, to prevent the like fatal accident happening to any of the advanced ships that may possibly be fwifted in the fame manner: and to forbid all feamen from attempting hauling the line, or bringing the vessel near the ship, as it is filled with

I am, Sir, &c.

I. SYMONS. To Rear Admiral Sir PETER PARKER.

P. S. Having made a model as near as I could, from the description (who unfortunately had been bred in of the man who was faved, and fendrepresented the machine he saw, he informed me the large wheel on the flat of the upper board was made of N_z wood,

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wood, with iron spokes, sharp at the end, and projected about an inch without the gunwale of the boat, in order to strike into the side in hauling up, and by that means set the wheels in motion, which in sive minutes after it had been moved by the people, burst; it is therefore very fortunate I ordered the other to be cut away; for had it touched under the hollow of the counter, in hauling up, so as to set the wheels in motion, there is no knowing what damage it might have done, either to the ship or people.

The following is the examination of John Brown, taken from the Penn-fylvania Packet of November 29th,

viz. he fays,

That he left the city on the 4th Nov. inst. in consequence of the application of Mr. Thomas Willing, who shewed this examinant a note from General Howe, requesting to fee him (Mr. Willing); that Mr. Willing told this examinant, that General Howe defired to accommodate the difference, and prevent the effusion of human blood: that he and his brother had full power to treat with Congress, as Congress, or any men they should appoint, provided they would rescind Independency: that he (General Howe) defired this to be made known to some member of Congress, and Mr. Willing defired this examinant to be the messenger: that he (General Howe) would put them in the same state they were in in 1763, and give them more privileges than they had ever asked: that he did not defire us to lay down our arms, or cease from our preparations till matters were accommodated: that upon fuch accommodation he would withdraw his fleet and army, and no standing army should be kept up in this country; and that the paper currency should be established: that some of these articles, of which the last was one, were added upon Mr. Willing's returning to General

Howe, in consequence of this examinant's hefitating to come out with them; upon which this examinant undertook the business, and engaged not to communicate his business to any person, until he should have first communicated it to some member of Congress; that this examinant passed the Schuylkill in consequence of a passport from an Aid-de-Camp of General Howe; that he passed General Potter in the evening without communicating his business to him, or obtaining a pass from him, and travelled up to the house of Mr. Robert Morris, at Manheim, and there waited from Thursday evening to Saturday evening following for the arrival of Mr. Morris; and when he arrived, communicated the matter first of all to him; that Mr. Morris then called in Mr. Duar, another member of Congress, and these were the first persons to whom he revealed the business; and from Manheim he returned to Lancaster, when he was first called before this Council, and bailed by Mr. Morris and Mr. Duar to go to York, and that he has hitherto communicated his business only to Mr. Morris, Mr. Duar, and now to the members of this Council; but that he understood the matter had been mentioned by Mr. Morris and Mr. Duar, or one of them, to other members of Congress at York, and was there freely spoken of; but this examinant was not called before the Congress; and that this examinant had no writing, flag, or public testimonial, relative to this business from General Howe, or others in Philadelphia, except what passed by word of mouth between him and Mr. Willing, as herein before is mentioned and fet forth. And this examinant further adds, that he recollects Mr. Willing told him, that General Howe affured him, (Mr. Willing) that Great-Britain would never give way to the Independence of North-America; that more men would

would be fent out in the Spring; and that they would harrafs our trade so that we could not go on.

John Brown.

Taken before me, THOMAS WHARTON, jun. Prefident. (Copy.)

The base artifice of tyrants are not less dangerous than their arms. Of this truth, the present contest is one among a thousand examples. The British leaders have proved themselves

alike bloody and deceitful,

The faith of public Proclamations, and even the words of facred honour of their chiefs, in person, most solemnly plighted to individuals for the protection of their property, have been violated: the miserable wretches starving in the gaols of New-York and Philadelphia, were tempted to enlist with the enemy, by affurances that General Washington had resulted to exchange them, when in truth General Howe had broke the cartel he had settled, and had eluded every offer he had afterwards made, as saft as they were complied with on our part.

But above all, the repeated attempts of our enemies to feduce the people of this country from their virtuous efforts, by the false ideas of peace and reconciliation, which they never meant, are highly insidious and

delusive.

The last year, General Sullivan, then a captive, was fent by Lord and General Howe from Long-Island to Philadelphia, with very plausible terms; but when a Committee of Congress waited on the British Commissioners, they receded from every thing they had told him; the opportunity, however, was very diligently improved for the double purpose of blasting our negociations in Europe, by affurances to foreign Courts that the quarrel was settled, and of striving to debauch the minds of the Americans, with the pretence that Congress

was averse to peace. Thus at the very instant that their emissaries were buzzing about in this country, that Congress resused to listen to the most reasonable terms of accommodation, Lord Stormont was very industriously pledging his honour to the Court of France that the treaty was far advanced, if not finally ratisfied.

No fooner was the world undeceived on this head, than the attempt was renewed through the means of the unfortunate General Lee; but fill the Commissioners declined to pledge themselves for any thing; nothing appears from them; nothing in writing is sent forward; but the Commissioners were left at liberty to retract and deny every thing, as soon as they had answered the end of misleading the people here, and amusing foreign nations.

And now, lo! Mr. John Brown is employed to tell a ridiculous tale of peace, and at the fame time a large number of emissaries are let loose to propagate the story throughout the State; still nothing appears in writ-

ing.

A mere verbal talk of Mr. Willing, that he (Mr. Willing) had a talk with Were we a tibe of General Howe. favages, this talk would at least be accompanied with a belt of wampum. but to us not even the flightest token The fole word of was vouchsafed. John Brown is again to gull us into a tham treaty, which is again to be spread throughout Europe, to defeat our most promising hopes from that quarter, and again to deceive and mislead our own people, while his Excellency is again ready to unfay all that he is pretended to have told Mr. Willing to tell John Brown, and to laugh at the mischief he has made.

Friends and countrymen, be not deceived; if General Howe has any thing to propose to Congress, the way is open to him through the usual channels. He can fend a flag of truce; he is under no necessity of sending

fending out an obscure person, like a thief or a spy, to steal through our camp, without passports, without licence.

Does the fettling a treaty of peace require less ceremony? no; but a message in writing, by a slag of truce, is not so easily evaded. General Howe might be loth to deny his hand-writing, though it seems he has not hesitated to deny his words.

France and Spain are likely now to take a decisive part in our quarrel; a few months perseverance will establish our liberty and independence for

ever.

If we are not false to ourselves; if we are not driven to and fro, and deceived by every idle artifice of our perfidious enemies; trusting in Providence, we may look forward with confidence, to the hope of being speedily and for ever delivered from the perfidy and tyranny of Britain; from the bloody and windictive malice of our cruel enemies.

Published by order of Council, IACOB HOWELL, Sec. pro temp.

The Charge delivered by the Hon. JOHN JAY, Esq. Chief Justice of the state of New-York, to the Grand Jury, at the Supreme Court, held in Kingston, in Ulster county, Sept. 9, 1777.

Gentlemen,

It affords me very sensible pleasure to congratulate you on the dawn of that free, mild, and equal government, which now begins to rife and break from amidst those clouds of anarchy, confusion, and licentiousness, which the arbitrary and violent domination of Great-Britain had spread, in greater or leffer degrees, throughout this and the other American states. And it gives me particular fatisfaction remark, that the first fruits of our excellent constitution appear in a part of this state, whose inhabitants have distinguished themselves, by having

unanimously endeavoured to deserve

This is one of those signal instances, in which Divine Providence has made the tyranuy of princes instrumental in breaking the chains of their subjects, and rendering the most inhuman designs productive of the best consequences to those against whom they were intended.

The infatuated of forgetting that were the fervants, not the proprietors, and ought to be the fathers, not the incendiaries of the people, have, by defroying our former conflictutions, enabled us to erect more eligible systems of government on their ruins; and, by unwarrantable attempts, to bind us in all cases whatever, have reduced us to the happy necessity of being free from controul in ang.

Whoever compares our present with our former constitution, will find abundant reason to rejoice in the exchange, and readily admit; that all the calamities incident to this war will be amply compensated by the many blessings slowing from this glorious revolution. A revolution which, in the whole course of its rise and progress of the Divine savour and interposition, that no doubt can remain of its being sinally accomplished.

It was began, and has been supported in a manner so singular, and I may fay, miraculous, that when future ages shall read its history, they will be tempted to confider great part of it as fabulous. Whati among other things, can appear more unworthy of credit, than that in an enlightened age, in a civilized and christian country, in a nation to celebrated for humanity, as well as love of liberty and justice, as the English once justly were, a ---- should arise, who by the influence of corruption slone, should be able to seduce them into a combination, to reduce three millions of loyal and affectionate subjects, to absolute flavery, under pretence of a right, right, appertaining to God alone, of binding them in all cases whatever, noteven excepting cases of conscience and religion? What can appear more improbable, although true, than that this ____ and the people should obilinately steel their hearts and shut their ears against the most humble petitions and affectionate remonstrances; and unjustly determine by violence and force, to execute designs which were reprobated by every printiple of humanity, equity, gratitude, and policy—defigns which would have been execrable, if intended against favages and enemies, and yet formed against men descended from the same common ancestors with themselves; men who had liberally contributed to their fupport, and chearfully fought their battles, in remote and baleful tlimates? Will it not appear extraordinary, that thirteen colonies, the object of their wicked defigns, divided by variety of governments and manners, should immediately become one people, and though without funds, without magazines, without disciplina ed troops, in the face of their enemies, unanimously determine to be free; and, undaunted by the power of Britain, refer this cause to the justice of the Almighty, and resolve to repel force by force? thereby prefenting to the world an illustrious example of magnanimity and virtue scarcely to be paralleled. Will it not be matter of doubt and wonder, that notwithflanding these difficulties, they should raile armies, establish funds, carry on commerce, grow rich by the spoils of their enemies, and bid defiance to the ermies of Britain, the mercenaries of Germany, and the favages of the wilderness? But, however incredible these things may in future appear, we know them to be true, and we should always remember, that the many remarkable and unexpected means and events by which our wants have been supplied, and our enemies repelled or restrained, are such strong and striking proofs of the interposition of Heaven, that our having been delivered hitherto from the threatened bondage of Britain, ought, like the emancipation of the Jews from Egyptian servitude, to be for ever ascribed to its true cause, and instead of swelling our breasts with arrogant ideas of our prowess and importance, kindle in them a stame of gratitude and piety, which may consume all remains of vice and irreligion.

The Americans are the first people whom heaven has favoured with an opportunity of deliberating upon, and choosing the forms of government under which they should live; all other constitutions have derived their existence from violence or accidental circumstances, and are therefore probably more distant from their perfection, which, though beyond our reach, may nevertheless be approached, under the guidance of reason and experience.

How far the people of this state have improved this opportunity, we are at no loss to determine. Their constitution has given general fatisfaction at home, and been not only approved, but applauded abroad. It would be a pleasing task to take a minute view of it, to investigate its principles, and remark the connection and use of its several parts, but that would be a work of too great length to be proper on this occasion. I must therefore confine myfelf to general observations: and among those which naturally arise from a confideration of this subject, none are

more

more obvious, than that the highest respect has been paid to those great and equal rights of human nature, which should for ever remain inviolate in every fociety—and that fuch care has been taken in the disposition of the legislative, executive, and judicial powers of government, as to promise permanence to the constitution, and give energy and impartiality to the diffribution of justice. So that while you possess wisdom to discern, and virtue to appoint, men of worth and abilities to fill the offices of the state, you will be happy at home, and respectable Your lives, your liberties, your property, will be at the disposal only of our Creator and yourselves. You will know no power but fuch as you will create; no laws, but fuch as acquire all their obligation from your consent.

Adequate security is also given to the rights of conscience and private judgment. They are, by nature, fub. ject to no controul but that of the Deity, and in that free fituation they are now left. Every man is permitted to confider, to adore, and to worthip his Creator in the manner most agreeable to his conscience. No opimions are dictated; no rules of faith prescribed; no preference given to one fect to the prejudice of others .-The constitution, however, has wisely declared, that the "liberty of conscience, thereby granted, shall not be so construed as to excuse acts of licenziousness, or justify practices inconfistent with the peace and safety of this Rate." In a word, the convention, by whom that constitution was formed, were of opinion, that the Gospel of CHRIST, like the ark of God, would not fall, though unsupported by the arm of flesh; and happy would it be for all mankind, if that opinion prevailed more generally.

But let it be remembered, that whatever marks of wisdom, experience, and patriotism, there may be in your constitution, like the beauti-

ful fymmetry, the just proportions. and elegant forms of our first parents, before their Maker breathed into them the breath of life, it is yet to be animated, and until then, may indeed excite admiration, but will be of no use-from the people it must receive its spirit, and by them be quickened. Let virtue, honour, the love of liberty, and of science, be, and remain, the foul of this constitution, and it will become the fource of great and extensive happiness to this and future generations. Vice, ignorance, and want of vigilance, will be the only enemies able to destroy it. Against these provide, and of these be for ever jealous. Every member of the state ought diligently to read and study the constitution of his country, and teach the rifing generation to be free. By knowing their rights, they will fooner perceive when they are violated, and be the better prepared to defend and affert them.

This, gentlemen, is the first court held under the authority of our conflitution, and, I hope, its proceedings will be such, as to merit the approbation of the friends, and avoid giving cause of censure to the enemies of the present establishment.

It is proper to observe, that no perfon in this state, however exalted or low his rank, however dignified or humble his station, but has a right to the protection of, and is amenable to. the laws of the land; and that if those laws be wifely made and duly executed, innocence will be defended, oppression punished, and vice restrained. Hence it becomes the common duty, and indeed the common interest. of every subject of the state, and particularly of those concerned in the distribution of justice, to unite in repressing the licentious, in supporting the laws, and thereby diffunng the bleffings of peace; fecurity, order, and good government, through all degrees and ranks of men among

I presume it will be unnecessary to remind you, that neither fear, favour, resentment, or other personal and partial considerations, should influence your conduct. Calm deliberate reason, candour, moderation, a dispassionate, and yet a determined resolution to do your duty, will, I am persuaded, be the principles by which you will be directed.

You will be pleased to observe, that all offences committed in this country, against the peace of the people of this state, from treason to trespass, are proper objects of your attention

and enquiry.

You will pay proper attention to the practice of counterfeiting the bills of credit, emitted by the general Congress, or other of the American states, and of knowingly passing such counterfeits. Practices no less criminal in themselves, than injurious to the interest of that great cause, on the success of which the happiness of America so essentially depends.

Providence, Nov. 10. Thursday night the Syren, Captain Furneaux, of 28 guns, a transport ship, and a tender, all bound up the Sound from Newport, ran on Point Judith. They were discovered early next morning, and all taken. The Syren was bulged, but all the arms, &c. &c. were saved. The crews were made prisoners, amounting to 166. The other two-were not damaged. They are valuable prizes.

Boston, Nov. 24. Wednesday last arrived here, under an escort of American light dragoons, the Honourable John Hancock, President of Congress, and first Major-general of the militia of this State. By coming into the town sooner than was expected, he avoided some public marks of respect which were intended. However, his arrival was made known by ringing of bells, the discharge of thirteen pieces of cannon on the Common, the cannon on the fortress

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and Fort-hill, the shipping in the harbour, &c.

Baltimore, Now: 14. The Quakers made friend Howe a free gift of 6001. on his entrance into Philadelphia. And on the 27th or 28th of October, they were, by his positive command, to pay 20,0001. more: His friends will think him troublesome.

Boston, Nov. 29. Henry Laurens, Esq. a member from South-Carolina, is appointed President of Congress.

Last Sunday returned here a flag of truce from Halisaw, with about sixty prisoners, whose ghastly countenances and seeble limbs, present a striking view of the cruelties they have endured, and the horrid situation of those who are still in confinement there.

Hartford, December 9.
Extract of a letter from a gentleman
in Albany to bis friend in this town,
dated December 1, 1777.

"Our news is not very material; the enemy left Ticonderoga and its appendages with great precipitation indeed—burnt all the houses, barracks, hospital, and every thing burnable; left 40 pieces of iron ordnance broke and spiked. A party of ours followed their boats as far as Gillelands, took 49 prisoners, more than 100 horses, 12 yoke of oxen, 4 cows, and 3 boats; also wine, rum, brandy, &c. Several boats were sound near Mount Independence sonken, in which were some provisions."

Fish-kill, Dec. 4. James Delancey, late Sheriff of West-Chester, and Colonel of the enemy's militia, was taken last week by one of our scouts; the Colonel was found under a bed, and for better desence, had himself surrounded with a bulwark of baskets. He was dragged from his humble redoubt, put under a proper guard, and sent to a place better secured.

Last week a small party of men, made an excursion to Greenwich, about three miles from New-York; they arrived there in the evening, adovanced vanced to Oliver Delancey's, a centry was at the door, whom they fecured, found a few ladies and gentlemen in the house; the ladies were suffered to depart in peace, though in some haste: we hear five men were made prisoners. They fet the house on fire, and hearing the alarm guns in New-York, thought it was time to decamp, croffed the river, burnt their barge, and got fafe off.

Now-London, Dec. 5. By the western post, who arrived here yesterday, we learn, that Fort Independence was . taken on Monday last, by the troops under the command of Major-general Putnam, together with all the troops and stores therein, with very little loss on our fide; and that an attack was to be made on New-York the. next day.

Portsmouth, Dec. 5. On the first instant, arrived in this port, (after a most fatiguing passage of fixty-fix days from Marseilles) the Flamand, a 26 gun ship, commanded by Monsieur de Landais, laden with 48 brafs cannon, 19 mortars, 2500 bomb shells, 5000 musquet, 20,000 pounds of gunpowder, and other warlike ftores.

Providence, December 20. State of Rhode-Island, and Providence-Plantations!

In Conneil of War, Providence, De-

cember 19, 1777.

.A very great fleet of the enemy's fhips of war and transports being now in the river, and there being reason to apprehend that they will foon make an attempt upon this place, Resolved, That the inhabitants of the neighbouring country be earnefully requested to hold themselves in readings to march immediately upon the firing of the Beacon, with the best accourrements, warlike instruments, and stores to this town, to attack and sepulse the common enemy; they are defired to take notice, that in case of an alama, when the Bescon is fired, we have given orders for the discharging of cannon, that they may be notified to look out

for the Beacon; that a discharge of cannon alone is not to be deemed an alarm; but that the firing of the Beacon itself, even without the difcharge of cannon, is to be confidered as an alarm.

The owners of the privateer Civil Usage, of Newbury port, have made a present to the Honourable John Hancock, Efq. of an elegant coach, which was lately taken in one of their prizes, as a token of their respect for that gentleman, who had so nobly di-. stinguished himself in the present contest with Great-Britain, as the friend of his country.

Fish-kill, Jan. 1. The Brinish frigate, the Mercury, of 28 guns, a few days ago run upon the chevaux-defrize, in the North River, and funk in a few minutes after. Many of the

crew were drowned.

Bofton, Jan. 15. Tuesday laft about 130 fail of transports, and three frigates, arrived at Rhode-Island; on board one of the latter, it is said, came Admiral Howe.

A person is arrived at Liverpool, from Boston, which he left on the noth of January last. He says, that the Americans had prepared a most stupendous chevaux-de-frize, which was to be funk in the harbour, as foom as the ice broke; and which would effectually prevent any thips from entering the harbour. That they expetted Lord Howe would make an attack upon the town with his ships, but they were preparing for him; and could affemble in eight and forty hours, at least eighty thousand men in arms. Provisions were in great plenty; alfo money, particularly gold. General Burgoyne's army were treated with great civility, there were frequent balls, &c.

When the Germans, made prifoners at Bennington, arrived at Bofton, the Legislative authority of that town deliberated upon the affair, and declared, that as the United States were not at war with the Prince of Brunswick, they ought not to detain

his subjects, and ordered them to be set at liberty. They immediately went and settled in the back country.

Admiralty-Office, April 20.

By a letter from Admiral Young, dated the 12th of March last, it appears that the Hampden rebel privateer, of 12 guns and 64 men, had been taken by the Seaford, and carried into Dominica: that a schooner privateer, of 8 guns and 30 men, had been taken by the Ariadne; which thip had also run on shore and destroyed two others, mostly manned with Frenchmen: and that the Nancy, a rebel brig, of 12 guns and 40 men, had been taken by the Antigua armed vessel, after a smart action, in which the Nancy had 4 men killed and 5 wounded, among whom was the Commander, whose thigh was broken by a swivel shot from the Antigua.

He gives an account, in his aforefaid letter, that the following captures had been made by the ships of his squadron, since those mentioned in the Gazette of the 2d of August

last, viz.

The York snow, Ebenezer Brown, mailer, from Portsmouth to New-Hamphire, with lumber, staves, &c.

--- by the Pelican.

Beggars Benison schooner, Jos. Titcumbe, master, from North-Carolina, with lumber—by the Grasshopper.

The Adventure floop, William Ricker, master, from Virginia, with sobacco, &c.—by the Grashopper.

The Industry brig, Jos. Kennicut, master, with fish and tobacco—by the Greyhound.

The Fortune brig, William Frefethem, master, from Piscataqua, with lumber, &c.—by the Yarmouth.

The Alexander brig, Jos. Lane, master, from Salem, with fish and

oil-by the Yarmouth.

The Betty schooner, Thomas Timpfon, master, from Alexandria, with tobacco, slour and staves—by the Ceres. The Sally sloop, John Lacere, mafter, from Egg Harbour, with slour, shingles, bread and tobacco—by the Ceres.

The Swallow floop, Joseph Davidfon, master, from America, with horses and lumber—by the Portland.

horses and lumber—by the Portland.
The Ply sloop, Timothy Toby,
master, from North-Carolina, with
tobacco, tar and turpentine—by the
Aurora.

The Sally floop, — Purgress, master, from Dartmouth, with fish and oil—by the Phoenix.

The Free Briton brig, John Drayton, master, from Newfoundland,

with fish, by the Seaford.

The Anthony brig, Jesse Atwell, master, from America, with horses—by the Snake.

The Ranger brig, James Tilleston, master, from Martinico, with molaf-

fes-by the Favourite.

The Polly brig, John Saunders, master, from Newbery, with ballast —by the Experiment. [Gazette.

Admiralty-Office, April 21.

Vice Admiral Gayton, who arrived yesterday at Spithead from Jamaica, gives an account, that the number of rebel vessels which had been taken by the ships of his squadron, at the time he left the Island, amounted to 235. He adds, that in his passage to England he fell in with, and took a rebel schooner, from Bilboa, bound to Boston, having on board 95 bales of woollens and 18 tons of iron. [Ibid.

Extract of a letter from Rio Nova Bay, St. Mary's, in the Island of Jamaica, Feb. 21, 1778.

Tuesday the 17th instant arrived from the Island of New-Providence the schooner Recovery, Thomas Costart, master, with dispatches from the Lieutenant-governor of that island to his Excellency the Governor and Admiral; by her we are informed, that in the night of the 27th of last month, the Fort of Providence was taken by the crew of an American O 2

privateer, who were joined by a number of Americans then in the place. That they continued two days in possession of the fort, during which time they also possessed themselves of the ship Mary, Henry Johnson, master, of 16 guns, belonging to Kingston, bound on a voyage to New-York, who had been obliged to put in there the 25th of November, to unload, and repair damage sustained by running on a reef of rocks at Crooked Island; the was refitted, and the last of her cargo along-side to be taken in; her powder was still in the magazine of the fort, where it had been lodged when she have down, and the master sick on shore; of all which, it appears, the rebels had received full information, previous to

their landing. " They likewise possessed themfelves of five prizes which had been fent in there by the letter of marque floop Gayton, Captain Chambers. On the 28th, the Gayton came in over the bar, in expectation of the ship Mary being ready for sea, and to have proceeded with her as far to the northward as Cape Hatteras, it being suspected that privateers would be in waiting for her. Captain Chambers had been only out from Providence on a short cruize of seven days. The first intimation he received of the change which had taken place, was by a shot fired at him from the fort, the privateer, and the ship, which had by this time been manned, &c. by Americans. With much difficulty he again got out over the bar, with his rigging confiderably damaged, and an 18 pound shot from the fort through his hull. The following day he attempted the eastern channel, and got possession of a small fort there of four 9 pounders, where he was joined by a very few loyal inhabitants, who, with a confiderable number of Negroes, agreed to attack the fort that night, whilst the Gayton should run down along-side the privateer, and board hen. At eleven

o'clock at night they got under way for that purpose, when, by the darkness of the night, and the unskilfulness of the pilot, the sloop was run
a-ground, which retarded their plan.
Next morning they got under way, and proceeded very near the privateer, when she cuther cables and got away, having about half an hour before sent away the ship Mary with three of the prizes, and set sire to the other two."

The last ship arrived from Philadelphia was only thirty days on her passage, having sailed from thence the 17th of March. At that time every thing was quiet in Philadelphia, and the country people continued to supply the King's troops with great plenty of fresh provisions, which they were paid for in ready money, and seemed to think it a very advantageous branch of commerce. General Washington remained at Valley Forge, with about 7000 men hutted, and were faid to be very fickly, having endured great hardships during the Winter. Nothing of consequence had passed between the two armies for near three months; only a few random shot exchanged between the out-posts. They further add, that the news of a Conciliatory Treaty being on the carpet between the Congress and General Howe, was totally void of foundation; no overtures of that nature having been made on either fide; nor had they received the news of any Conciliatory propositions being intended on this side the Atlantic.

March 14. There is certain advice, that General Washington has retaken Red-Bank, and fortified it. General Howe has demolished the works on Mud-Island, and abandoned it. The Americans are masters of the Delaware River. The main body of General Washington's army are posted in the neighbourhood of Germantown; and he has strong posts at Bristol, Red-Bank, and Wilmington; by which General Howe is surrounded.

Lancaster,

Lancaster, Nov. 20. We are affured from York-town, where Congress now fit, that Indian affairs at no time were in a more promising way. Through the interpolition of Congress, Rattle Trap and Turkey's Tail were sent by numerous tribes of · fouthern Indians to their northern brethren. The furrender of General Burgoyne and his whole army will determine all the Indians, who, under the British influence, were masfacring the frontier inhabitants, to fue for pardon and peace. The tribe of St. Francis, on the borders of Canada, have already defired protec-· tion.

Williamsburg, Nov. 28. The General Assembly of Maryland have voted two thousand additional troops for the Continental service, and have also given leave to bring in a bill for a general test, another for confiscating the effects of British merchants, to be applied to the indemnisication of persons who have suffered by the British fleet and army.

Newhaven, Feb. 6. The gentlemen who formed the Convention of Committees from several States, who have been sitting in this place, having sinished the business recommended to them by Congress, last Monday

broke up.

Hariford, March 3. The General Assembly of the State of Virginia have, in the fullest manner, approved of the Articles of Confederation, and directed their delegates in Congress to

ratify the same.

The town of Norwich have inftructed the representative to comply and ratify the Confedration of the United States, and recommend a speedy confiscation of forfeited estates in that State.

Trenton, March 4. On Wednefday last the enemy landed about 3000 men at Billingsfort, and marched down the road towards Salem, and on intelligence received

that anoher body intended to land at

Cooper's-ferry, in order to surprize General Wayne swho had lately banded in New-Jersey with 500 of the Continental troops) and Colonel Ellis, who commanded a detachment. of the Jersey militia at Haddonfield, our troops not being sufficient to make a stand, it was thought most adviseable to move towards Morristown, to prevent being furrounded, which was accordingly done a few hours before the enemy landed about 1500 men, agreeable to the intelligence received, and marched to Haddonfield early in the morning of the Upon this our men marched to Mount Holly to wait for reinforce-The Governor upon receiving the above sintelligence ordered out a proper number of the militia to join those under Colonel Ellis, who are now collecting with great alacrity, and unless the enemy retire before they are attacked by the united vigour of General Wayne's troops and our militia, we doubt not they will repent their rash visit to this State. Last Friday Brigadier-general Count Polaski, of the cavalry, left this place with a body of horse in excellent order, to join the Continental troops under General Wayne, and who from the former exhibitions of his valour and alertness, will give a good account of 'the enemy's horse, if they do not deprive him of the pleafure by a precipitate flight.

About ten days ago a report was spread in this town, that a party of the enemy had penetrated into Bucks county, as far as New-town. intelligence reached this place in the afternoon, and in the evening a respectable number of militia were assembled at the different ferries. next morning a party was preparing to cross the river in quest of the enemy, when intelligence was received that they were returned to Philadelphia, having plundered many of the inhabitants, and carried off with them two coach loads of lumber, from the house house of Joseph Galloway, Esq. Supetintendant general in Philadel-

phia:

. We beer that an exchange of pri-· fonere is food to take place between General Washington and General Howe, the latter having consented to give up the point so long in dispute about the prisoners sent out last winter on their parole.

Extract of a letter from Lancaster,

dated February 12.

" Last week a Court-martial was held here, to try a fellow which General Howe had fent to buy horses from the Tories, and to take such as belonged to the Whigs. He was taken upon his return, near the enemy's lines, with a number of horses procured as aforefaid. Two others were also made prisoners who accompanied a flag from General Howe, but broke off from the same some miles into the country, and were taken up as spies, and tried with the former. It is faid that they are all condemned to be hanged, but the judgment is not yet made public."

In the course of the war, several . Americans had been made prisoners, and brought to England, who were chiefly confined in gaols at Portsmouth, Plymouth, &c. These were A temporary law had mostly sailors. been made from year to year suspending the Habeas Corpus Act, in their particular case. The treatment they met with was in general harsh, and in some instances exceedingly cruel. Their peculiar fituation, and the miferies they underwent, excited fome humane gentlemen, in the city of London, to call a public meeting on the 24th of December, 1777, of such persons as thought the sufferers objects of compaffion. They opened a public subscription for money, to buy blankets, shoes, linen, coats, &c. &c. for the prisoners; the number of whom was between five and fix hundred. The fum of £.4657 was col-

lected in a few weeks; when the managers thought proper to close the fubscription, to the great disappointment of many persons, in every part of the kingdom, who wished to shew their humanity by adding to this subscription, and their disapprobation of those measures which had made this bounty necessary.

The following is a copy of a petition, sent to certain noble Lords, from some of the prisoners at Ports-

mouth:

We the subscribers, natives of America, being at this time prisoners of war, and closely confined in his Majesty's prison at Portsmouth, do most earnestly entreat your Lordship, in behalf of ourselves and others, our companions in gaol, who are not able to fign with us, to permit us to state to your Lordship our present most pitiable case and situation. We beg pardon of your Lordship for the great liberty we are taking, and for the mode we have adopted to make our fufferings known; which, though it may not be thought strictly regular or according to forms, they humbly hope will be excused, when our very distressed state and condition is confidered, and when we affure your Lordship, that petitions presented to the Admiralty last year, in behalf of certain fick prisoners then in severe confinement, were utterly difregarded. And after having done this, we will entertain a hope, through your Lordfhip's merciful interpolition, and the influence of other compaffionate rulers of the land, that we shall not be fuffered to perish in a Christian country (for the body of which we still retain an affection) and in the midst of plenty. More especially do we hope for relief, on account of those of us who have left large families at home, which must fink or swim with us.

In number we are at Portsmouth about one hundred and forty; all of us in want of warm cloathing, to necessary at this severe season, as well

as of almost every other comfort: and many are actually without a flor or flecking to their feet. And to add to these hardships, we have for an overfeer, a man, who feems to be totally void of humanity. He detains every charitable supply sent us by humane neighbours, or fells it, (as lately in the case of some wine sent for our refreshment) and retails the money at bis pleasure, and in so parsimonious a manner, as to render it of little or no use. He has denied us the common supplies of milk, by prohibiting persons ordered to our relief with that necessary refreshment, from entering the prison yard. We are not allowed candle or fire in this extreme feasion, which must prove fatal to many in a cold and exposed prison. Our allowance is only eight ounces of meat each man per day, including the bone, (which is fometimes full one half) and beer that is very small indeed.

Captains and other officers, who have ever been used to very different treatment, and are blessed with education, who have feelings and sentiments, which upon this occasion they shall suppress, are penned up all together like cattle, with the comment failors, and with their own servants.

We are at a loss to conceive the reason of these severities, when we know how very different the treatment of English prisoners is in every part of America. We again beg your Lordship's pardon and pray for redress.

Given under our hands in the prifon at Portsmouth, the 1st day of December, 1777.

Harmon Courter, Commander of the Oliver Cromwell.

Byrd Chamberlayne, First Lieutenant of the Muschetto.

Robert M'Caver, Prize-master belonging to Captain Weekes.

George Chamberlayne, Second Lieutenant of the Muschetto.

William Williams, Master of the brig General Montgomery.

John M. Nikal, Surgeon of the Muschetto.

John Cochran, Boatswain of the Yankee, in prison 18 months.

Jeseph Smith,
Thomas Clark,
James Gideon Worth,
James Motry,

A subscription was opened in Bristol for the purpose of relieving the American prisoners, where near 400l. was collected in a short time. Other subscriptions were begun in different parts, as Yorkshire, Norwich, &c. but upon the subscription being closed in London, those in the country were closed likewise.

A few weeks after this subscription was begun, the friends of the Ministry opened a counter-subscription, which they said was "to support the authority of Great-Britain over her rebellious colonies in America; and the money arising therefrom to be applied, under the direction of a Committee of the subscribers, in raising men for his Majesty's fervice, in such manner as his Maighty, in his wisdom, shall think fit."

These were the words of the advertilement; words, which, in better times, would have met with a proper reprehension. All those persons who had an interest in carrying on the war, subscribed largely. The fum fubscribed was not exactly known, but it is supposed to have been about 20,000l. The Committee appointed to manage this business, observing that the words of the advertisement gave offence to the friends of the Constitution, altered them; and, instead of leaving the application of the money to the King, directed the application themselves, in the giving bounties to seamen for the navy, and recruits for the army. The effect of this measure was very inconsiderable.

fubscribed.

On the 16th of December, 1777, the London Gazette gave an account of General Burgoyne's furrender. An extraordinary kind of phrenzy, instantly seized some people of a particular description. Notwithstanding the conquest of America was obvionfly impracticable, notwithstanding all experience and prudence militated against going on with the war, the towns of Manchester and Liverpool sent offers to the King to raise a regiment in each place, for quelling the American rebellion. This unexpected zeal confounded the Cabinet. offers accepted before the propriety was considered. General Harvey, Lord Barrington, and even the King himself, were not favourably disposed to this fort of new levies. And in a short time after, when the like offers were made by some other places, they The offers of new were declined. levies from Scotland were accepted.

The friends of the Ministry finding that offers of new corps in England were not agreeable, changed this ground, and adopted the idea and plan of the subscription begun in the city of London; which was originally formed as a counter subscription to that for the relief of the American prisoners. Meetings were called in different places, for the purpose of opening subscriptions to raise men, &c. for his Majesty's service.

The Earl of Warwick, by public advertisement, called upon the county of Warwick to meet him on the 14th of January, 1778, at Warwick; and fent circular letters to several gentlemen in the county, inviting their attendance. One of the gentlemen to whom a letter was fent, published the following answer:

"I agree with your Lordship, that " the fituation of public affairs calls for the affiliance of every friend to his country," and that " All should be zealous to preferve its credit and con-

nor was all the money paid that was fitutional rights." Excuse me if I: am of opinion that your Lordship too precipitately determined ("without confulting," as you are please to say, " any individual on the propriety of fuch request,") to ask a favour of the High Sheriff, which, however as a private man he might with readiness have granted, he could not comply with in his public capacity, without betraying his trust in a very marked manner,-fince he had called upon the county for the indispensible duties of its civil government, at the Quarter Sessions in Warwick, the 14th instant, to which object his fole attention, as well as that of the public, ought to be engaged; and it is impossible that a fair conclusion can be drawn of the fense of the county upon any bufiness foreign to that for which it has been expressly summoned.

" The glaring impropriety of the Day on which your Lordship has particularly fixed, will, I dare believe, present itself to your own judgment on maturer reflection. Your Lordfhip must certainly disapprove of political intrigues intervening at the Quarter Sessions, to impede a regular and quiet course of justice, and which may tend to create at least a suspicion of undue influence among judges, jurymen, and wit-Sure I am that your Lord-: nestes. ship's zeal arises from the most honourable of all influence, that of a conscientious and honest conviction. Yet my objections to the measures your Lordship seems thus forward to. adopt, are so various and weighty, that if the reduction of the revolted colonies for the purpose of a revenue were not, in my mind, beyond the reach of any military force this country can supply, I am far from sure that your Lordship's mode of accomplishing the end would be less derogatory to the honour of Great-Britain, or less mischievous in its consequences, than those steps by which the Administration have already brought

brought on us fuch a heavy load of misfortunes and indelible difgrace. Pecuniary contributions for the King's use, heretofore called Benevolence, are in these times forbidden by the positive law of the land; and the only way to testify real affections to the Monarch, is through the medium of the Constitution, which prescribes a competent service on all, in their respective spheres; and for a faction of wrong-headed partizans, to fet themfelves up as pre-eminent over their fellow-citizens, by fuch a work of supererogation as that your Lordship now proposes, I can never approve of.

" A compact between the Crown and any partial body of the fubjects of Great-Britain, to establish and to maintain an armed force within this island, independent of the Legislature, especially at a time that the Great Council of the nation is convened and fitting for the declared intent of advising the Sovereign on weighty affairs of State, is, in my apprehension, unconstitutional and dangerous; and the evil Ministers who have abused the King's confidence, and rashly persuaded his Majesty to such a stretch of prerogative on his part, are higly criminal: that too at a time when their duty manifestly points out to them to discountenance rather than foment party differences and jealousy, and to take fpecial caution how they imprefs their Royal Master with a belief, that the only good subjects and loyal persons in his dominions are the men who now desperately sly to arms, and whose phrenzy can serve but for a further effusion of the blood of his people—to aggravate and prolong this fatal quarrel between the Mother Country and her colonies, to the ruin of both.

I by no means admit, notwithflanding the perilous state of the whole empire, that there is at present a national emergency of such nature as to dictate and justify those extra-consti-Vol. VI.

tutional powers to which the learned Judge Blackstone in his Commentary on the Laws of England refers, where he warrants, on the foundest principles of Government, the grand Revolution of 1688. At that momentous æra, and when a Pretender to the Crown, in 1746, was within the heart of the realm, at the head of a formidable band of rebels. necessity might indeed have suggested a fudden recourse to martial law in its widest extent, as the only expedient likely to support the Protestant succession, and secure the inestimable bleffings of liberty, delivered down to us from our ancestors.

" My presence will not be requifite at the meeting in Warwick, the 14th instant, though not many miles distant; as your Lordship flatters me extremely by expressing a wish, in your letter of Saturday last, to be permitted to declare my fentiments on the subject to those who shall think proper to attend; therefore I here candidly submit them in writing, with the humblest deference to superior discernment; convinced that nothing can make the ideas of a private individual like myself, on so important a matter, carry with them any degreee of authority, nor excite attention, but their being introduced to the public through so respectable and advantageous a channel."

Another gentleman published an account of the Warwickshire meeting,

in the following words:

I think it may not be improper to lay before the public an account of the manner in which the subscriptions for raising troops are carried on, as they will, by this means, be able to judge how far they are agreeable to the sentiments, or likely to be promoted by the body of the people: I shall confine myself at present to the proceedings in the county of Warwick, the whole transaction of which will appear perhaps the most extraordinary that the annals of any county

The Earl of Wartry can produce. wick applied to the High Sheriff to call a meeting for the above purpose, which G. Townshend, Esq. the High Sheriff, with that independent spirit that will ever add lustre and honour to his name, absolutely refused. noble Earl then took the whole upon himself, and, as he expressed it, " without consulting any individual," wrote circular letters to the independent, as well as the dependent gentlemen; but, unfortunately for his Lordship, he found so great a majority of the former, that had he not prudently fixed the time of meeting during the Quarter Sessions, it is probable his Lordship, and a Lord of the Bed-Chamber, and a Lord of Trade, would have formed a trio for raising men to subdue the rebellious colonies, for except Lord Willoughby de Broke, the Hon. Charles Greville, and the few Justices who were attending the Quarter Sessions, there was not one gentleman of property that obeyed his Lordship's summons. However, his Lordship, satisfied with this affembly, opened it with a proposal of entering into a subscription to raise a regiment. He was seconded by the Hon. Charles Greville, though he did not altogether agree with his brother in that plan. But how great must his Lordship's disappointment have been, when Mr. Gregory, Major of the militia, declared from Lord Hertford, Lord Lieutenant of the county, HIS MAJESTY'S DISAPPRO-BATION. Thus ended the meeting, called by the noble Lord for the purpose of reducing the rebellious colonies, for striking terror into France and Spain, and for supporting his Ma-jesty's Crown and dignity. Enraged with disappointment that his warm zeal and patriotic spirit were now baffled and overthrown by the jealoufy of the Lord Lieutenant, he flew to St. James's, and demanded an audience with the King. What passed in this closet conference, his Lordship

and the King will probably carry with them to their graves. The men they can raise, are to be incorporated in the fixth regiment, the officers of which have fortunately survived the destruction of all their men. But the business has not ended here. The High Sheriff has been again applied to, and has again refused to call a meeting. The zeal and spirit of the county at large, will be best proved by the sum that may be raised. The subscription may be great; but when I give you the names of the noble placemen who have property in this county, it will not require the ingenuity of a Mansfield to guess from whence the money will come. The Earl of Warwick's patriotic Spirit, and a distant prospect of the Bed-chamber, may excite his Lordship's generosity; the Board of Trade, that of his brother; Lord Hertford is Chamberlain to the King: Lord Viscount Weymouth, Secretary of State: Lord Viscount Townshend. Master General of the Ordnance; the Earl of Aylesford, a Lord of the Bed-chamber, &c.

[But the independent gentlemen of the county not giving their countenance and support, the measure dropped.] Account of the proceedings at the Nor-

WICH MEETING, for the purpose of raising a subscription.

On the 28th of January there was a respectable meeting at the Maid's Head, and another at the Swan, in Norwich, but not fo numerous at either as was expected: as the latter was called with a professed intention to be directed in its measures by the conduct and resolutions that should be purfued at the former, the gentlemen at the Swan immediately determined to go down to the Maid's Head, where, after Sir John Wodehouse was requested to take the chair. the business was opened by Lord Townshend, Master of the Ordnance, who fet forth, that from the indisposition of the Lord Lieutenant of the county, and the absence of au-

other

other noble Peer, higher in rank than himself, who now filled the most eminent station to another kingdom, it became incumbent on him to request a meeting for the purpose of consulting upon the means of affording fuch affistance as should best enable Government, at this critical juncture, to exert itself for the support of the constitutional authority of the British Empire; that the unhappy war in which we were engaged with America was unavoidably attended with large expence, had been followed with a destruction of men and waste of force, which was much to be lamented; and that our natural enemies, it was to be apprehended, would avail themselves of our situation; and therefore it was become necessary to be provided with a force that would enable us to refift any attack that might be made upon us at home: he then submitted to the company, whether opening a fubscription for the purpose of raising levies to fill those corps which had been confiderably reduced, and might be expected to return from America, would not, as it appeared to him, be the least exceptionable and most beneficial mode. His Lordship was seconded by the Hon. Henry Hobart, brother to the Earl of Buckingham-Thire. Upon which Mr. Windham, of Felbrig, addressed himself to the Chair, promising, that from the perfonal affection; and hereditary attachment which he bore to the noble Lord, it gave him concern to differ from him totally, respecting the conduct we fhould observe on the present momentous and alarming fituation of public affairs: he begged leave to take a retrospect of the measures that had led to it; that he should not enter into the wide and beaten field of disputation, concerning the right of the British Parliament to tax the Americans, but confine himself principally to the means that had been used, and the arguments advanced to establish and enforce it; that at the commencement of the dispute we were told by Administration the resistance to the Act for laying a duty there, was only from the licentiousness of a mob, fuch as we had frequently known in this country, and might as readily be quelled; that all persons of property acquiesced in our authority, and no fooner a military force should appear, than they would gladly embrace our protection from a lawless and tumultuous rabble; that should the resistance be general, as was pretended, ten, or perhaps two, regiments would bring them to subjection without effusion of blood; one gentleman afferted, that he would undertake to march through the country with 5000 men unmolested; another, more strongly to express our own importance and their infignificance, faid that a grenadier's cap would awe them into obedience; compare these wild and fallacious declamations with many other contemptuous and unmerited reproaches cast upon this much injured people; a people, whose affection from their first establishment had been uniformity, and with filial warmth devoted to your interest, whose spirit had been ever associated, whose courage had been exerted and diffinguished, and whose blood had been shed and mingled with your own, in support of the common cause of the empire; from a monopoly of whose trade you had derived solid, extensive, increasing, and but for despotic and vindictive measures which have been adopted, as permanent as they were beneficial; yet these people, although provoked by reiterated acts of oppression, petitioned and remonstrated in the most respectful and dutiful manner, without exciting any disposition here to preserve their freedom and tranquility; on the contrary, with inveterate and deliberate malignity on the part of Administration, they were puriued, and that spirit of refiltance to arbitary rule was roused

in America, which had often been exerted in this country, and to which Great-Britain is indebted for its freedom and its fame. Since they were driven to take up arms, let us, I say, compare the promises, the assurances of Ministers from one year to another with events, with the effect of their schemes, when the principal, the whole force of this country that could possibly be spared, had been exerted, 50,000 land forces, 20,000 feamen, more than 100 vessels of different force had been employed in the third campaign, and what has been done, what have we reaped but disappointment, shame and dishonour, such as never before stained the British name and the British arms: one army of 10,000 disciplined men, under the command of officers of experience, with a well ferved force of artillery, was in the course of a few weeks abfolutely annihilated, and by whom? By the peafantry of the country haftily affembled, who destroyed an army on which the principal expectation and dependence was placed in the middle of the last summer, and which we thought had nothing to do but to drive the rabble before it; I mean not to cast resections on the conduct of our officers or the bravery of the private men; after enduring unpara-Ielled hardships and fatigues, they have every where effected all that was in the power of men. Let us next examine what has been accomplished by General Howe; early, or rather late in the feafon, he went out to feek, and he found General Washington, but in fuch a fituation, that he deemed it not prudent to attack him; he returned, and was obliged to proceed with his troops upon a tedious and perilous voyage; he arrived at the place of deltination, and landed without resistance: he marched forward, attacked, and was attacked; he conquered, and after much lofs has got possession of an open town, from whence he made

another forward movement, with intention again to bring the enemy to action, has again returned without effecting his purpose; and has since been obliged, at an enormous expence, to erect redoubts for the security of his own troops against the attempts of the enemy. Such difgraceful and repeated disappointments will convince us of the impracticability of conquering the Americans: if you could not fubjugate them when in a raw undisciplined state, is it not the extreme of folly and madness to expect it now they have a regular established force? I will not contend whether they are as good foldiers as European troops, they are disciplined; they are affifted by foreign officers, they have artillery, and are yet furnished with every means of continuing the war. After such delusions. after a waste of the most liberal and unrestrained grants from Parliament, what are we now called together for ? Why, Ministry has the effrontry to apply for voluntary contributions; unconstitutional benevolence, and urge their request with an open avowal, that this country is in danger of an hostile attack from its natural enemies, who have hitherto availed themselves of these advantages, which we have thrown into their hands by our own folly, oppression and cruelty. This indeed was obvious, was predicted, was warned against at the beginning of the dispute, but was ridiculed as an idea which only the gloomy brain of patriotism could convince or cherish: but, Sir, if such really is our condition, why is our fecurity to be rested upon troops raised in the Highlands of Scotland, who are to act in conjunction with those of the very loyal towns of Manchester and Liverpool? For what purpose was the militia established, to what end was an Act passed, impowering his Majesty to call it out on the prefent emergency? Why is the fervice of that constitutional body of forces, the

the natural fecurity of this country, not called at this time? As a Briton, as an inhabitant of Norfolk, and as bearing commission in that corps, I feel the indignity, every member of it in the kingdom must feel it, and ought to refent. I would wish to discountenance this and every like attempt of the kind, as having a tendency to protract, initead of bringing to a speedy iffue this unnatural, fruitless, and ruinous war, which is now acknowledged by the authors of it to have reduced us to a state of insecurity, to the verge of a precipice. as not, Sir, any fum of money which shall be raised here will avail, or even be auxiliary to the purpose avowed, it is not intended, or expected it fhould by the propofers; respecting America it will be innocent, it will be as the small dust of the balance: but the countenance, the weight, the authority of the county of Norfolk is wanted to give a fanction to measures which we ought to reprobate, and to Support men in places who have given the most glaring proofs of incapacity temerity, and afforded the firongest presumption of being inimical to the Constitution of the kingdom, and whose removal will be a confiderable flep to bring about what every one feems defirous of, and what I am fure we are all interested in; peace and reconciliation with Ame-I do therefore give my protest against the scheme that has been proposed, as I trust will most gentlemen of property, judgment, and independency.-Mr. Coke, member for the county, declared his concurrence in those sentiments.-Lord Towshend replied, in vindication of the part he had taken, and with an avowal of that fincerity in his conduct which we may prefume is univerfally allowed him, he faid he was no Minister, nor acquainted with the fecrets of the Cabinet, he was only a titular counfellor; but that could he conceive there was a fingle member of it, who

possessed the malignity of heart which had been imputed to them, no man would more readily concur to reprobate and procure his dismission: that he had the honour to have taken an active part in reviving that respectable and constitutional body the militia. and would upon any requisite occafion relinquish every other engagement to act as an officer in that corps: but that the calling the men from their families, from their looms, and other occupations, might at this time be attended with consequences injurious to the manufactures and agriculture of the kingdom. He concluded with a handfome and liberal eulogium on the abilities and comprehensive knowledge, the elegant and nervous elocution which the Honourable Gentleman had displayed upon this occasion, and candidly asfured him he was convinced that he spoke from principle and conviction: his Lordship presaged, that the county of Norfolk would derive advantage, and himself honour, from the maturity of judgment and integrity of heart which the Honourable Gentleman had given this fignal and early proof of. Mr. De Grey, a Groom of the Bed-chamber, and fon to the Lord Chief Justice, replied to that part of Mr. Windham's speech, which afferted, that any mode of furnishing the Crown with money not under the controul of Parliament was illegal. and contaided, that neither the letter nor spirit of the 13th of Charles II. would be violated by the subscription proposed. He was supported by Mr. Charles Townshend, one of the joint Vice-treasurers of Ireland, who expressed a concern that national prejudices should yet be cherished, and that whilit it was acknowledged that the Highlanders were engaged in rebellion against the present establishment, it ought also to be remembered that they were employed, and diffinguished themselves with honour against the common enemies of this country, country, in the late war. After these altercations, the gentlemen who did not approve of a subscription withdrew, and those who remained entered their names with the several sums affixed; the dissentients returned to the Swan, where a protest was agreed to and subscribed, and some other resolutions formed.

London, January 17, 1778.

Yeiterday there was the fullest affembly that can be remembered many The following Aldermen were present: Alsop, Harley, Crosby, Bull, Sawbridge, Kennett, Plomer, Hart, Pugh, Townsend, Plumbe, Oliver, Newnham, Hayley, Kirkman, Thomas, Wright, and the two After the formalities of Sheriffs. opening the Court were adjusted, Mr. Merry entered upon the popular business of the day, and having made many observations upon the state of the unhappy contest between this country and America, the perilous fituation in which we stood with our natural enemies, and the absolute obligation the corporation lay under to testify their duty to the Sovereign, by affording every affiltance in their power, to extirpate the feeds of difloyalty on the other fide the Atlantic, he made a motion, " That the Court do enter upon a subscription to raise a body of men for three years, or during a continuance of the war, and that a Committee be appointed to receive all those who should offer themselves to ferve in his Majesty's land or sea-service in America."

Mr. Alderman Harley, who was the only member of the Bench on the ministerial side that spoke in favour of the question, immediately succeeded Mr. Merry, and concluded with

feconding the motion.

The debate then became general,

and very violent.

It was observed, That the Lord Mayor had been closesed with the King, in order to exert his private

influence, and that he was actuated rather by motives of felf-interest, than any consideration of 'the public state of the kingdom; and that if the question was carried, it would ensure him a very profitable contract in furnishing cartouch-boxes, &c. for the new raifed troops.

The gentleman who made these affertions was called to order by Mr.

Merry.

Mr. Alderman Townsend, who came from Norfolk upon an intimation that a furprize was intended, fpoke firmly against the question, as did Mr. Sawbridge and Mr. Oliver, who pointed out the ridiculous abfurdity of countenancing and fupporting coercive measures, after the conduct that had been purfued by the Corporation, who fome time ago addressed the Throne for a reconciliation; that the city of London had already suffered very materially in her commercial concerns, and if the broils of civil discord were not quickly smothered, it was horrid to reflect upon the melancholy consequences. Upon the whole, they condemned the question in two points of view; first, as inflaming the embers of a war, unjust and injurious to this country; and secondly, that it was untimely, and abfurd upon the face of their former proceedings.

The question, after being agitated for about three hours, was put up, when there appeared so great a majority against it, that it was matter of astonishment to hear a division called for; however, there was so far from being a hearty division, that many members who were in favour of the motion, seemed rather to seek that opportunity of withdrawing to their dinners, as they declared the members to be at least three to one on the other side; so that the question was

carried in the negative.

Mr. Horton then made the following motion, which was seconded, and it was

" Refolved,

" Refolved.

"That it is the opinion of this Court, that to give any countenance to, or to be, in any manner, infrumental in the further continuance of the present ruinous and destructive war, while offers of just and honourable terms were with-held from America, will resect dishonour on their humanity, and, in no wise advantage the commercial interests of this great city."

The Lord Mayor was now most severely, but most justly censured, for convening the Court at so short notice. The Sword-bearer was called upon to declare, whether he had received any notice of the meeting previous to the summonses being issued. He answered that he had not, nor did he understand that it was necessary he

should.

The Court was going into a very ferious subject, namely, to demand what authority the Lord Mayor was guided by, when he called a Court upon so extraordinary an occasion; it was usual to give much longer notice, whenever a matter of the least importance was to be agitated, in order that the members, being apprized, might be prepared to enter upon the bufiness without surprize-it was very lately the Lord Mayor refused to call a Court upon an intended measure, which did not fuit his political opinion, although the requisition was figned by the four representatives of the city in Parliament, with feveral other respectable members of the Court;—it was therefore a partial favour to gentlemen of a different political complexion, to comply with their wishes in so secret a manner. Even the members in his Lordship's Ward, except the honest Deputy, joined in the reprehension, and the Court in general were fo much concerned and alarmed for their own confequence, that his Lordship's most fanguine friends felt for the glaring inconfistency of his conduct.

The division upon Mr. Merry's motion stood thus:

ALDERMEN. Against it. For the question. Lord Mayor, Crosby, Alfop, Bull, Harley, Sawbridge, Kennett, Plomer. Hart, Townsend. Pugh, Oliver, Plumbe. Newnham, Thomas, Hayley, Wright, Kirkman. Peckham,

The supposed number of Commoners for the question, were about thirty; the number present were

about 210-Majority 180.

Clark.

Mr. Saxby gave notice; that at the Court of Common Council to be held on Friday next, (by his Lordship's promise) he should move, "That an Address, Petition, and Remonstrance be presented by that Court to his Majesty, praying that he would be pleased to offer such terms to our American brethren, as would put a stop to the present calamitous war;" and Mr. Saxby desired, that notice of this his intention might be inserted in the summons.

The Court did not break up till

near four o'clock.

Mr. Alderman Wilkes, who was at Bath, would have attended, purposely to give his vote against the question, could there have been timely notice given of the meeting, an express, by the Alderman's direction would have been sent to him.

Mr. Alderman Townsend merits the warmest eulogiums for his conduct.

The decision of yesterday may be considered as the political overthrow of ministerial influence upon the virtuous minds of independent citizens, who prefer the real interests of their country, to the fawning, glossy arguments raised to feed the will of a misguided Sovereign, and to comply

with the interested wishes of a clofeted Mayor.

ESDAILE, MAYOR.

A Common Council holden in the Chamber of the Guildhall of the city of London; on Friday the 16th day of January, 1778.

A motion being made, and queftion put, That a subscription be forthwith opened under the conduct of a Committee of this Court; for the paying bounties to such able bodied men, who shall present (and enlist) themselves (before the said Committee) to serve in his Majesty's sea or land service for the term of three years, or until the end of the present war; the same was resolved in the negative.

A motion being made, and question put, That it is the opinion of this Court, that to give any countenance to, or to be in any manner infrumental in the farther continuance of the present ruinous and destructive war, whilst offers of just and honourable terms are with-held from America, will restect dishonour upon their humanity, and in no wise advantage the commercial interests of this great city; the same was resolved in the affirmative.

Ordered, That the Town-clerk do infert the above proceedings in all public papers.

RIX.

Extract of a letter from Bristol, dated February 5, 1778.

"I heartily congratulate Adminification on the loyalty of the fubferibers at this place, though I cannot
help expressing my assonishment that
those who have professed such a warm
attachment to the measures of Government, should, when put to the
test, turn out so cool in their purses:
the 20,000l said to be actually raised,
stands at present at about a fourth
part of that sum, and no more was
absolutely deposited.

"The Collectors are wearied out in applications to the underwriters, a

great part of whom are poor bailiffs, excisemen, and petty alchouse-keepers, who did not understand (they say) that the whole was to be advanced, what was set down by the Clerk at the meeting. Some who subscribed ten, offered two guineas in hard cash; others deny any authority given to the Clerk by them to place such formidable sigures against their names; and there are others who plead poverty downright, and they cannot pay."

The 27th of February was, by order of the King, observed as a General Fast, to implore the Divine blessing upon his arms in America.

London, March 13, 1778.

This day the Lord Mayor, attended by the Aldermen Bull, Wilkes, Sawbridge, Oliver, Hayley, and Wooldridge, and about one hundred of the Common Council, preceded by the two City Marshals, waited upon the King at St. James's with the following Address and Petition (which had been agreed to at a Court of Common Council held a few days before):

To the KING's Most Excellent MA-

The humble Address and Petition of the Lord Mayor, Aldermen, and Commons, of the City of London, in Common Council affembled.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the Lord Mayor, Aldermen, and Commons of the city of London, in Common Council affembled, attached to your Majesty's Royal House by principle, to your person by the truest affection, and to the honour and prosperity of your Government, by every interest which can be dear to the heart of man, in this present deplorable state of the affairs of this once great and flourishing country, with most profound humility implore leave to lay ourfelves at your Majesty's feet, to represent to your Majesty

Majeky the fentiments and withes of a faithful and afflicted people.

When this civil war was first threatened, your loyal city of London, in concurrence with the sense of many other respectable public bodies of your kingdom, and many of the wisest and best of your subjects, did most humbly deprecate this evil, foreboding but too truly the charges, calamities, and disgraces of which it has been hitherto productive, and the greater to which it is still likely to subject this kingdom.

Your faithful people, on that occasion, had the misfortune to receive from your Majesty an answer more suitable to the imperfect manner in which (they fear) they expressed sentiments full of duty, than to your Majesty's own most gracious dispofition, their inviolable reverence to their Sovereign, and their unshaken zeal for his true glory. They retired in a mournful and respectful silence, patiently awaiting the disposition of Providence, and the return of your Majesty's fayour and countenance, whenever experience should fully disclose, in its true light, the wellfounded nature of their apprehentions, and the fatal tendency of those counfels by which the nation has been misled.

For milled and deceived your Majesty, and many of your subjects, have been. No pains have been omitted to hide from both the true nature of the business in which we are engaged; no arts have been left untried to stimulate the passions of your subjects in this kingdom; and we are confident that infinitely more fkill and attention have been used to engage us in this war, than have been employed to conduct it to honour or advantage, if honour or advantage could be obtained by any conduct in such a war. We have been industriously taught to suspect the professions and to despite the refiftance of our brethren, (Englishmen Vol. VI.

like ourselves) whom we had no fort of reason to think deficient in the fincerity and courage which have ever diffinguished that name and race, Their inclinations have been mifrepresented, their natural faculties depreciated, their resources miscalculated, their feelings infulted, until fury and despair supplied whatever might be defective in force. have seen a whole army, the flower of the trained military strength of Great Britain and her allies, famishing in the wilderness of America. laying down their arms, and owing their immediate rescue from death to thate very men whom the murders and rapines of the favages (unhappily employed) had forced from hulbandmen into soldiers, and who had been painted in such colours of contempt as to take away all confolation from our calamity.

We have leen another army, equally brave, and equally well commanded. for two years in an almost continued course of victory, by which they have only wasted their own numbers, without decreasing the strength of the refifting power, without leading to any fort of submission, or bringing to your Majesty's obedience even the imallest and weakest of thirteen reyolted provinces. The union of those provinces amongst themselves, and their animofity to your Majesty's Administration, have only been increased by the injudicious methods taken to break the one, and to subdue the other. Fleets and armies are maintained in numbers almost equal, and at an expence comparatively far fuperior to whatever has been employed in the most glorious and successful struggles of this country against a combination of the most ancient and formidable monarchies of Europe. A few inconsiderable detached islands, and one deferted town on the continent, where your Majesty's combined army has a perilous and infecure footing, are the only fruits of an exexpence

expence exceeding twenty millions, of ninety-three thips of war, and fixty thousand of the best soldiers which could be procured either at home or abroad, and appointed for that fpecial fervice. Your Majesty's forces, both by fea and land, have (we are told) done all that could be expected from the most accomplished discipline, and the most determined courage; and yet the total defeat of fome of these forces, and the ineffectual victories of others, have almost equally conspired to the destruction of your power, and the diffmemberment of your empire. We should be unpardonably negligent of our duty to your Majelty, to ourfelves, and to our country, if we did not thus folemnly express our feelings upon this dreadful and decifive proof of the madness with which this attempt was originally made, and which, faithfully following it through every step of its progress, and every measure for its execution, has compleated by uniform misconduct, the mifchiefs which were commenced in total ignorance. We are convinced that nor the delutions of artful and defigning men, (which, like every thing false, cannot be permanent) but the general fenfe of the whole American people is fet and determined against the plans of coercion, civil and military, which have been hitherto employed against them; a whole united and irritated people cannot be conquered. If the force now employed cannot do it, no force within our abilities will do it.

The wealth of this nation is great, and our disposition would be to pour it out with the most unreserved and chearful liberality, for the support of the honour and dignity of your Crown: but domestic peace and domestic economy are the only means of supplying expence for war abroad; in this contest our resources are exhausted; whilst those of our rivals are spared, and we are, every year of

the continuance of this war, altering the balance of our public strength and riches in their favour.

We think outselves bound, most dread Sovereign, to express our fears and apprehensions to your Majesty, that at a time when your Majesty's gracious speech from the Throne has hinted, and your vast naval preparations in a style much more explicit announce to us, and the world, the critical state in which we stand with regard to the great neighbouring Powers, we have not the comfort to learn, from that speech, from any affurance of your Majesty's servants; or even from common fame, that any alliance whatever has been made with the other great States of Europe, in order to cover us from the complicated perils to manifeltly imminent over this nation; we have as little reason to be certain that alliances of the most dangerous kind are not form-

ed against us. in a man and a men In this state of anxious doubt and danger, we have recourse to the clemency and wisdom of your Majesty; the tender parent and vigilant guars dian of your people; that you will graciously take such measures as may restore internal peace, and (as far as the miserable circumstances into which the late destructive courses whave brought us will permit) re-unite the British nation, in some happy, honourable, and permanent conjunction; lest the colonies, exasperated by rigours of continued war, should become totally alienated from their Parent Country; lest every remaining spark of their affection should be extinguished in habits of mutual slaughter and rapine; and lest in some evil hour, they who have hitherto been the great support of the British strength, should become the most formidable and lasting accession to the constant enemies of the power and prosperity of your kingdoms.

We humbly hope and trust, that your Majesty will give all due efficacy

to the concessions (we wish those concessions may not have come too late) which have been proposed in Parliament; and we have that undoubted reliance on the magnanimity of your Majesty's enlarged and Kingly affections, that we are under no apprehensions of your Majesty being biasted by private partiality to any fet of men, in a case where the good, where the very being of your people is at stake; and with an humble confidence we implore and supplicate your Majesty, that nothing may stand in the way of those arrangements in your Councils and executive offices, which may best forward the great, necessary, and bleffed work of peace; and which may tend to rescue your affairs from unwife and improvident mapagement, and which may obtain, improve, and fecure, the returning confidence of all your people. fuch measures and such arrangements. for fuch an end, your citizens of London will never fail to give your Majesty their most affectionate and fleady support:

Signed by order of Court,

WILLIAM RIK. To which Address and Petition his Majeffy was pleased to return the

following answer:

" I can never think that the zeal of my subjects, the resources of my kingdoms, and the bravery of my fleets and armies, can have been unwifely and improvidently exerted, when the object was to maintain the Constitutional subordination which ought to prevail through the feveral parts of my dominions, and is effential to the prosperity of the whole: but I have always lamented the calamities inseparable from a state of war; and shall most earnesty give all the efficacy in my power to those measures which the Legislature has adopted for the purpose of restoring, by forme happy, honourable, and permanent conciliation, the bleffings of peace, commerce, affection, and

confidence between the Mother Country and the Colonies." Gaxeste

About this time the following papers faid to be quritten by Mr. Manduits a friend of Administration, was circulated at the doors of the two Houses of Parliament :

So long as there was any hope of preserving the American Empire, we could not begin a treaty with acknowledging the Americans independence in the first article, because they might have broke off the treaty, as foon as they had gained that first article, and made use of the concession to justify other nations in trading with them; and we could not then have taken foreign ships that came upon their coafts.:

That precaution is now useless: for France will treat and trade with them: and if France will do it, we can have no interest in keeping other nations from trading with them too; rather let other nations come in for a part, than France have the whole.

The Americans will now be fupplied from France with all military stores, whether we will or not; and (if we go to war) with ships and men, and all they want, for their defence and our annoyance.

All hope of conquest therefore is

America stands on high ground: France and England must now court

We have no possible chance of making peace with her, but an immediate Act of Parliament giving her

perfect independence.

 Q_2

If we pretend to retain any authority over them, we immediately throw them into the arms of France, and oblige them to look up to France as their protectors and defenders, by whose aid only they can gain and secure what they will call their liberty.

If this be not done immediately, and an Act passed and sent over, before they hear of the commencement of infilities between France and us, the Americans will then become allociates with France in a common cause, and a common war, against us; and after that alliance, we shall be at the mercy not only of the Ame-

ricans, but of the French.

Now we may treat with America only, and having their independence granted them, they have no reason to defire the continuance of war with us. If we drive them to a choic alliance with France in a war against us, our future treaty with America must be made by the concurrence of France, who will excite them to make the most entravagant claims, in order to delay the peace, and alienate them so much the more from us.

To retain them as subjects is now impossible; the only hope left is to

segain them as friends.

But they never will be friends with us, fo long as they have any thing to fear from us, by our keeping up any she least claim of authority over them.

I need not paint the dreadful donfequence of our going to war with both, and how much they can affift each other in all respects against us; but more especially in gaining and giving intelligence, peculiar to such a war.

Infantly declare them independent, and you have no cause of quare rel with France. We have no reason to differ with France for having declared them Free States, when we

have done it ourselves.

The Americans will then have these full liberty to trade with which astion they please; they will like best to trade with both; and we shall have our full share. Their manners, and habits, and cloathing, are now English; if we instantly give them instependence, shey will continue so; if we constitue a long war with their, and oblige them to receive all things from France, they will in time be sotally Gallicized, and estranged from

us, and prefer French manufactures of all kinds to ours.

Their children will be sent to France for their education, to learn the French language, (as Franklin has began already) and to be apprenticed in French houses, and set up French sactories, &c.

Could we be fure of prevailing at last against them and France, we could gain nothing by victory, at the end of a long war, that could compensate for that estrangement of their affections and habits from the English manners and manufactures, which the Americans would contract in that period.

To fay nothing of the heavy debt we shaft have incurred, (even if our funds should hold out so long) which will enhance the price of our labour and manufactures above those of other nations; and all this expense of the

war incurred to no purpole.

Should hostilities be commenced between France and us, yet the footner this Act of Independence is puried, and sent them, the better. They may not then ratify a French freaty, or at least be less ready to affish the French, when having guided what they want, they will stand less in need of their help.

Prince has fent this meffage on purpose to provoke us to go to war; and thereby fedure all these good effects to themsolves, and to bijing down and perpetuate all these evils to

Engiund.

The meane of it is presidely calculated for that purpose. Politics know no passions at referencetts, but consider only what is the nation's finterest. For that very reason, because it is the interest of France to provoke us to a war, it is our interest to avoid it, fill we have made up with America.

France may not long telvain. But this makes it to necessary influmaneoully to pass an Act for American Inatpendence, and to halten a peace with America, before we precipitate ourselves into a war with France. There can now be no great hurt in recalling our cruizers, and suffering French ships to pass. And then France has no pretence to go to war with us, and the few that we should take out of the many that will sail to America, will not compensate for the evils of precipitating the rupture.

So long as you keep the Americans in fear, by retaining any, even a latent claim of authority over them, fo long they will unite together against Quit that claim, they will then have each to consider of settling a government for themselves. may then differ with one another, and some of them may come, in time, to think that they were better off, when they were united with England, and offer to return, which they never will do while we are firiting with them; fo that the only chance we have of recovering some, is to give them up all.

Extract of a letter from Paris, Jan. 3. " It is generally believed here, that the Commercial Treaty between France and the United Colonies is finally fettled; but the particulars are not publicly known. transaction has the appearance of a speedy rupture with England. artificers in the Marine Department are collected from every part of the kingdom to fit out, with all possible expedition, fixteen fail of the line at Breft and Toulon. The forces are all marching to the frontier towns. There is not a foldier to be feen above Cambray. The Noblesse do not scruple to fay that a war between England and France must unavoidably take place foon."

London, February 20. Some treaty is supposed to have been negociated between America and the Court of France. Of what nature that treaty may be, let the Ministers find out.

It is not for their information, for they are not worthy of a falutary hint, but it is for the information of the deluded people of this country, that the following fact is cummunicated;

ret have been deputed by the Farmers General of France, to negociate a commercial treaty with Messieurs Franklin and Deane, the Congress Agents in Paris. This treaty, which hath been ratisfied by the Frenck King, stipulates:

That the State of Virginian shall annually furnish the Farmers General of France with truesty thousand hogsheads of tobacco, at the rate of sixpence farthing per pound. Until these twenty thousand hogsheads are delivered at the ports of France, the State of Virginia is not to furnish any other European Power with a single hogshead of tobacco.

for seven, fourteen, or twenty-one years. With the optional power of the contracting parties, to annul, or to continue it at the expiration of seven, or of sourteen years.

agreed on the part of America, that goods shall be taken in exchange for the tobacco to be thus sent from Virginia to France, and the said goods are to be exported to America in French bottoms, which are to bring back the tobacco agreed for by the treaty.

"The subscribing witnesses to the execution of this treaty are:
Messieurs DE BEAUMARCHAIS,
REY DE CHAUMONT."

This is the fact. How will it operate? Certainly to the increase of the revenue of France. The Farmers General of that country are as much the appendages to Government, as the different officers of the English customs. The larger the sums collected by the Farmers General of France, the higher are the duties which they will be enabled to pay to the King. An exclu-

five contract with America to be furnished with tobacco at the first hand, will prove extremely beneficial in a country where the confumption of that article is fo prodigious. contract, therefore, which is now actnally concluded, will be attended with infinite advantages to France, and with prodigious detriment to England. The tobacco trade will now be engroffed exclusively by that nation, which, of all others, is the most powerful rival England has to contend against. Nor is this all. As France hath secured the tobacco trade by the firmest contract with America, Spain may very possibly negociate for an exclusive rice trade. state of Virginia is now pledged to confign her tobacco to France. Why may not the state of South-Carolina be in the same manner engaged by contract, to supply Spain, exclusively, with rice? Whilst the act of navigation was recognized by the Americans, France was supplied with tobacco only through the medium of England. She will now, at half the expence, be immediately supplied from America. A trade so ultimately beneficial to the revenues of France, will furely be protected by that court. It would be madness to suppose otherwise. France be ever so well inclined to preferve the peace, she cannot be expected to facrifice her essential interests for our benefit. To commence hostilities, would be the most absurd measure which France could at this moment She should be very well prepered for war, because the trade with America, of which she is now depriving this country, must eventually occasion a France will protect the Farmers General in the contract which they Such protection is a have made. necessary measure of Government. French cruizers will be stationed to convoy the tobacco ships from Virginia, into the ports of France. least molestation on the part of England, will occasion resistance that will

become the subject of remonstrance. Still France will not commence host-ilities. She will protect her exclusive trade with America so openly as to compel England, if possible, to strike the blow, and then it will become a question, which of the allies of England will assist her? For our treaties are drawn up so absurdly, that the allies of England only stipulate to assist her in case she shall be first attacked. There is not any stipulation for assistance, in case that England should find it necessary first to attack her enemies.

On Friday the 13th of March; the French Ambassador waited upon Lord Weymouth, and delivered to his Lordship the following paper:

L'Ambassadent scusigné de sa Mas jesté Chretiennes, a recu l'ordre expres de remittre à la Cour de Londres la declaration suivante;

Les Etats Unis de l'Amerique Septentrionale, qui sout en pleine possession de l'Independance prononcée par leur acte du 4 Juliet, 1776, ayant sait proposer au Roi, de consolider par une convention formelle, les liaisons qui ont commencée a s'établir, entre les deux nations, les Plenipotentiaires respectifs ont signé un traitée d'amitié et de commerce, destiné à servir de base à la bonne correspondence mutuelle.

Sa Majesté étant resolue de cultiver la bonne intelligence subsistante entre la France et la Grande Bretagne, par tous les moyens compatibles avec sa dignité, et avec le bien de ses sujets, croit devoir faire par de cettee demarche à la Cour de Londres, et lui declarer en meme tems que les parties contractantes, ont en l'attention de ne fipuler aucun avantage exclusif en faveur de la Nation Francoise; et que les Etats Unis ont conservé la liberté de traiter avec toutes les nations queconques sur le meme pied d'égalite et dé reciproté.

En faifant cetté cummunication à la Cour de Londres, le Roi est dans la ferme

ferme persuation, qu'elle y trouvera de houvelles preuves des dispositions constantes et sinceres de sa Majesté pour la paix; et que sa Majesté Britanique, animée des memes sentimens, evitera egalement tout se que pourroit altérer la bonne harmnie. qu'elle prendra particulierement des mesures efficacies, pour empécher que le Commerce des sujets de sa Majesté avec les Etats Unis de l'Amerique Septentionale, ne soit trouble, et pour faire observer à cet egard les usages recustentre les nations commercantes, et les regles qui peuvent etre censées subsistantes entre les Couronnes de France et de la Grande Bretagne:

Dans cette juste confiance, l'Ambassadeur sousigné pourroit eroire supersur de preveuir le Ministère Britannique, que le Roi son maitre, etant determiné a proteger essicacement la liberté legitime du commerce de ses sujets, et de soutenir l'honneur de son pavillon, sa Majesté a pris, en consequence, des mesures eventuelles de concert avec les Etats Unis de l'Amerique Septentrionale.

l'Amerique Septentrionale

LE M. DE NOAILLES. A Londres, le 13 Mars, 1778.

TRANSLATION.

The under-figned Ambassador of his Most Christian Majesty, has received express orders to make the following declaration to the Court of London:

The United States of North America who are in full possession of independence, as pronounced by them on the fourth of July, 1776, having proposed to the King to consolidate by a formal convention, the connection begun to be established hetween the two nations, the respective Plenipotentiaries have figured a treaty of friendship and commerce, designed to serve as a foundation for their mutual good correspondence.

His Majesty being determined to

cultivate the good understanding subfisting between France and Great Britain, by every means compatible with his dignity, and the good of his subjects, thinks it necessary to make this proceeding known to the Court of London, and to declare at the same time, that the contracting parties have paid great attention, not to slipulate any exclusive advantages in favour of the French nation; and that the United States have reserved the liberty of treating with any nation whatever, upon the same footing of equality and reciprocity.

In making this communication to the Court of London, the King is firmly perfuaded, she will find new proofs of his Majesty's constant and fincere disposition for peace; and that his Britannic Majesty, animated by the fame fentiments, will equally avoid every thing that may alter their good harmony; and that he will particularly take effectual measures, to prevent the commerce between his Majesty's subjects and the United States of North America from being interrupted, and to cause all the usages received between commercial nations to be, in this respect, observed, and all those rules which can be faid to subsist between the two Crowns of France and Great Britain.

In this just confidence, the underfigned Ambassador thinks it superfluous to acquaint the British Minister, that the King his master, being determined to protect effectually the lawful commerce of his subjects, and to maintain the dignity of his stag, his Majesty has, in consequence, taken eventual measures in concert with the United States of North America.

Signed,

LE M. DE NOAILLES.

London, March 13, 1778.

When the French Ambassador delivered his rescript to Lord Weymouth, his Lordship said that he could give no answer to it till he had laid Laid it before the King. To which the Ambassador replied, That his instructions were to make that notification, [meaning of the treaty between France and America] that he had executed his commission, and that his instructions were not to ask for an answer.

The preliminary articles of this treaty were agreed upon the 24th of December, 1777. And a copy of these preliminaries were sent from France to America, on the 27th of the fame month. The treaty was finally concluded and figned on the 6th of February, 1778, in the evenjug. Authentic copies of which were tent from France to America by different ships; the last of which left Europe on the 17th of February. In May, 1778, an account was received in France, that one of these copies. carried by Mr. Simeon Deane, brother to Mr. Silas Deane, arrived at Casco Bay on the 15th of April. The treaty gave universal satisfaction in America; and the greatest rejoicings were made wherever the news of it came. On the 17th of February, Lord North made known to the House of Commons his conciliatory propofitions. On the 28th of February the Andromeda failed from England for America, with a copy of those propositions. The Commissioners sailed on the 22d of April for New-York.]

London, March 10. Stocks were yesterday in the most sluctuating state imaginable. The Omnium, at one time, was at one and three quarters discount; and the three per cents. were done at fixty-four. This confused state of public credit, at the critical moment of fettling the loan, thews, either that there is no money, or that the monied people have great

March 17. Omnium was yesterday at four and one half discount. three per cents confol. were yesterday at fifty-nine, which is not only lower than they were at any time during

the last war, but lower than they have ever been at any period fince

they were funded.

On the 28th of February, a fleet of seven ships of the line, and twenty transports, sailed from Brest for America. As they were failing out of the harbour, an American frigate came in express from America; she saluted the French Admiral, and he returned the falute.

London, March 20. This morning at seven o'clock the French Ambaifador fet out for Paris, in confequence of orders to quit London, he received (fooner than he expected) by a courier, which came from Paris in fortythree hours, the shortest time ever known. He has left the British Court in no small degree of discontent; having faid, a little before his departure, that no Ambassador from his nation had ever met with the treatment he had. He could never get a politive answer from the British Ministers, upon any business, whether trifling, or of the highest importance; owing to the British Countels being so totally undetermined, and indecifive in every matter, of both private and public concern.

London, March 26. Yesterday the Ministry were surprized with authentic intelligence, that the French Court had laid an embargo upon all the English vessels and sailors in the several ports of France; and that the common pacquet from Dover to Calais had been stopped.

London, March 28. Yesterday Lord

Stormont arrived.

Yesterday the Ministry laid an embargo on all the French vessels in It is now four days our ports. fince we heard of the embargo being laid on all our vessels in the French port; during this time our temporizing Ministry have been deliberating, whether they should follow the spirited example set them by the French. At length they have resolved in the affirmative. But what

what have they loft, by not doing it immediately? Why, most, if not all, the French ships have got away. It has been exactly in this manner that they have acted with America. Every one of their resolutions, whether for war or peace, has been taken too later.

London, April 1. It is a fact, that on the 18th of March, the French Court fent the most positive orders to all their sea-ports, not to-ftop, but to SEIZE every English vessel and sailor; not one of which have been fince re-Though this infult is of the leased. highest magnitude that one civilized State can shew to another, yet such is the tameness of the British Ministry, they dare not fay a fingle word to it. They will submit to every indignity fooner than quit their places.

The French Admiral Piquet is returned to Brest, after seeing the American trade and flore-ships to a certain latitude.

Extrast of a letter from the Hague, March 20.

" The day before yesterday, Mr. Beranger, Chargé des Affaires for France at this Court during the abfence of the Ambaffador, in a conference with the Prefident of the States-General, notified to him, that the King his master, for reasons moving him thereto, had determined to declare and acknowledge the American Colonies as an independent and free people, which he thought right to communicate to their High Mighti-This proceeding has been nesses. fince confirmed by a courier from the Ambaffador Berkenrode to the Greffier Fagel, who adds, that orders have been fent to all the ports of France, to acknowledge the Americans as an independent people, and to treat their vessels in the same manner as those of any other nation."

Extract of a letter from Paris, dated March 23, 1778.

" On the 21st instant was performed the ceremony of receiving the American Commissioners as Ambas-Vol. VI.

fadors at this Court. It was a fine fight to fee the venerable fage, Dr. Franklin, received by his Majosty, and afterwards by all the Ministers of this country. Bus yesterday eclipsed. every thing; you can imagine; the reception by the Queen, accompanied by all the beauties of her bed-cham-, ber; but herfelf who can describe: lovely to fuch a degree, that I dare not attempt the take. She received: the good man, and his friends, with a sweetness and dignity which no other woman could express. The next visit was to Monsieur; next to Madame, his lady, who both appeared highly pleased. Next to Mademoiselle Lady Elizabeth, the King's fifter, one of the prettieft little fenfible faces I ever beheld; then to the King's aunts. From hence we paid a visit to the son of Count d'Arrois, an infant of two years and an helf old, a very fine child; he was in the arms of the most charming girl that ever was made a nurse. The parents of this child would have been visited next after Monsieur had he been at Court, but he is at present in exile. being banished last week to his country residence, for fighting a duel with the Duke de Bourbon, in consequence of an affront given by the former to the lady of the latter, at a masque-The Duke is also exiled, but it will not be for a long time. After all this, their Excellencies, or Plenipotentiaries, with the Americans, and many French ladies and gentlemen of distinction, dined very elegantly at the house of Mons. Gerard, Secretary to the Count de Vergennes, Minister for Foreign Affairs; and after dinner we had, a vifit from the famous Chevalier D'Eon."

Whiteball, April 13, 1778. The King has been pleased to order Letters Patent to be passed under the Great Seal of Great-Britain, conflituting and appointing Frederick Earl of Carlifle, Knight of the Most Antient Order of the Thiftle, Richard R Lord

Lord Viscount Howe of the kingdom of Ireland, Sir William Howe, Knight of the Mon Honourable Order of the Bath, Lieutenant-general of his Majesty's forces, and General of his Majetty's forces in North-Amesica only, William Eden, Esquire, one of the Commissioners for Trade and Plantations, and George John-Rone, Esq. Captain in the Royal navy, to be his Majesty's Commissioners to west, confult, and agree upon the means of quieting the diforders now fubfilting in certain of his Majesty's colonies, plantations, and provinces in North-America. in North-America. Gazette.

Pertimouth, April 22.
Yellerday afternoon his Majesty's hip the Tridest, with the Commissioners on board, sailed from St. Helen's for North-America. [1614.

The Ardent, with Admiral Gainbier, failed for America on the fifth

of April.

On the 13th of April, a French fquadron, which had for several months been equipping at Toulon. sailed from that port, under the command of Count d'Estaing. foundron confilled of 12 thips of the line and 6 frigates, with an extra number of marines, and tome troops, amounting 'together, it was faid, to about 6000, arms for 6000 more, cleathing, &c. and other military flores. Their deflination was Juppoled to be to North-America. Owing to adverse winds, they did not get through the Streights of Gibraltan till the 16th of May. They had on board Mr. Silas Deane; and Monficur Girard, who was appointed the French Minister to the Congress.

On the ath of May, authentic intelligence of Count d'Eftaing's failing from Toulon arrived at St. James's; some of the Ministers were ont of town when this important advice cause, and no resolution being immediately taken upon it, the fact was mentioned in the House of Communic, when Lord Bearge German

acknowledged the fact of the Ministers being out of town, and that there was fome delay occasioned by it.

Lendon, May 9, Saturday. It having been afferted, in a certain Assembly, that a delay in sending the English sleet to sea has happened through the absence of some leading members of Administration, after the news of the sailing of the Toulon squadron arrived, a correspondent desires that the following authentic state of the fact may be laid before the public:

Lord George Germain, having been nine days at Drayton, in the county of Northampton, happened lackily to return to town on Monday, (the 4th) just as the intelligence concerning the failing of the Toulon foradron arrived. His Lordship wrote infriediately to Lord North, who was at Bully Park, and to Lord Weymouth at Ealing. The former of those noblemen sent back an answer, that he would be in town very early on Tuesday (the 5th). He accordingly came to town very early, had a conference of feveral hours with Lord Sandwich, concerted with his Liordihip every measure necessary for dispatching the fleet; and the orders and instructions were made ready for the inspection and approbation of the Cabinet, which met at twelve o'clock on Wednesday (the 6th)! The orders and infiructions were inflantly dispatched to Portsmouth, where they must have arrived in the evening; and on Thursday (the 7th) all hands were employed in preparing for the immediate failing of a powerful fquadron. On Friday (the 8th) the wind changed to the west; and it has, almost ever fince, blown fo fresh, that there was no possibility of carrying on board the beer and pro-Vilions necessary for a long voyage. It is, upon the whole, apparent, that no blame can be justly laid upon the noble Lords who form the Cabinet. The accidental arrival of Lord George

- Ginnain

Germain from a diffaut county enabled his Lordship to give the earliest intelligence to the Lords North and Weymouth, who were, during the whole recess, within call; and Lord Sandwich was actually on the spot. As for Lord Suffolk, he was confined to his house in the country by a severe illness; and is, therefore, out of the question. In short, when things are properly explained to the public, it will appear, that neither time has been lost nor spirit or vigour wanted, in placing the nation in a state of defence at home, and in a condition to act decifively abroad.

An answer to the preceding.

The paragraph writer fays, "Lord George Germain has not been in Northamptonshire this year."—
Where was he then, during the nine days he was absent from town? Was he at Stoneland or East-Grinstead? Either of those places is as far out of the way of business and Drayton. His Lordship's "colleagues in office," did not chuse to go so fay, when the affairs of the public seemed to defined their daily attention and attendance, One of them was at Bushy-Park, another at Ealing, both within an hour of St. James's.

The writer proceeds and fays, that his wigilant patron "came to town on Saturday," He did not come till

Sunday,

Lie fent pressing messages for expedition to Lord North."—These pressing messages were, in fact, but see eard.) It was received on Monday, and his Lordship came to town

on Tuesday.

"He did see come very early, but very late.—Lord Sandwich is apperled to, that Lord N. had a conference of several hours with him seely in the forenoon of Tuesday; for his Lordship, as is well known to more than arry eye-witnesses, sat at a Board of Treasury at one o'clock on the same day, after he had concerted measures with the First Lord of the Admiralty.

"Lord Sandwich was at Chatham on Tuesday."—Lord Sandwich arrived in town on Monday.

"No measures of dispatch were attempted but by Lord George Germain."—Yet the business was not in his department.

"Himfelf prepared the orders and instructions.—He was ordered to do so, as one of his fellow Secretaries was confined to his bed, and the other employed in other important affairs.

"The public did determine on whom the blame ought to fall."——Lord G. either through panic, or to take an undue advantage of "his colleagues in office," contrary to all form, blabbed the secrets of the Cabinet; and his colleagues were "filent," because they did not chuse to follow the indecent example he had set before them.

As for the "clearness, candour, and fpirit," of the noble Lord, upon that cammunicative occasion, it were to be wished his Lordship had made use of them, in more trying and more important situations; and if, as his panegyrist infinuates, he is possessed of those virtues, he will probably have frequent opportunities for displaying them, should he long remain in office.

The attempts made to vindicate the conduct of Ministers, with respect to the delay of fending a fleet to fea, are not fatisfactory to the public. The absence of the noble paragraph. writer from town during the Portsmouth review has probably prevented. till now, his endeavouring to prove that black is white; for it is difficult to account, in any other manner, for the filence which has been observed on the part of Ministers in the public papers from the time that their gross unpardonable negligence was mentioned in the House of Commons on Tuesday the 5th. Notwithstanding the defence now attempted, the quei-R 2 tion

tion is still unanswered, why no Council was called till Wednesday the 29th, when the intelligence was received on Monday, at a feafon when the continuation of the easterly winds was fo uncertain? Why no orders were dispatched on Monday without calling a Council, directing at least the ships to prepare for sailing? If orders for failing were difpatched on Wednesday, what could prevent the fleet from failing on Thursday, if it had been ready as it ought to have been? If it had failed then, it must have cleared the channel before Friday at seven of the clock in the evening, when the wind changed: was it fit that, after our intelligence long ago received of the preparations of a Toulon squadron to fail, we should not have our ships provided with beer and provisions, and ready to depart at an hour's notice? Was it fit, after such intelligence, to have all our fleet cooped up at Spithead, from whence it cannot depart without a particular wind; instead of having a sufficient force at Plymouth? And is it to be conceived that, after fuch amazing fums voted for the navy, this country can endure with patience the present condition of our fleet, which, in spite of his Majesty's presence, encouragement and example, is not at this hour ready to put to fea?

Another writer faid, It now comes out that the drowfy Premier himfelf was the occasion of the late delay in the meeting of Council, upon the news arriving of the Toulon steet having failed. Upon that important intelligence being brought to London on a Monday, a meffenger was immediately dispatched to Bushy-Park, where Lord N—was, with the account, and requiring his presence in town. However, the sleepy Minister, instead of setting out directly, as his duty should have prompted him, sent word back to

Lord George Germain, that he would be in town in a day or two. Tuesday came, but no Prime Minister, who sinced all that day likewise at his villa, and consequently the Council could not be held till Wednesday, whereby the measures necessary were adopted too late to be carried into execution before the wind shifted to the south-west, and totally prevented the sailing of the sleet from Spithead.

St. James's, 27. About half past nine o'clock in the morning, on Briday the 24th instant, the King set out for Greenwich, and arrived at the Royal Hospital about ten o'clock; was received by the Earl of Sandwich, the Governor, and principal officers of the Hofpital, and immediately went in his barge, attended by Lord Sandwich, the Marquis of Lothian, Gold Stick, Colonel Harcourt, and Colonel St. John, to the Princels Augusta yacht, commanded by Sir Richard Bickerton, on board of which the Royal Standard, Admiralty, and Union flags, were hoisted: at one o'clock his Majesty sailed from Greenwich, and was faluted in his passage down the river from Woolwich Warren, Tilbury Fort, and Gravesend.

Early on Saturday morning the King arrived at the Nore, and failed along-fide of the men of war lying there under the command of Rear Admiral Campbell, from each of which he received a royal fainte of twenty-one guns: the yaeht afterwards proceeded up to Chatham, where the afrived at half past eight o'clock. In her passage up the Medway, she was faluted by the garrison of Sheerness, by the Victory of one hundred guns, lying at Blackstakes, and by Gillingham Fort and Upnor Castle. His Majesty landed at three quarters past eight o'clock in the King's yard, and was received by Lord Amherst, the Commissioners of the navy, and the Commissioners and officers of the

the yard. As foon as his Majesty landed, the artificers and workmen belonging to the yard being all affembled, gave three cheers as his Majesty entered, and then immediately dispersed, and returned to their several employments." His Majesty then went into the Commissioner's house, where he flaid a fliort time to refresh hmself, and then proceeded to view the works tarrying on in the yard: he went first on board the London, a ninety gun ship, under repair; next into the Saffolk, of feventy-four guns; and afterwards into the Leander, a fifty gun ship, building. After his Majesty came from on board the Suffolk, he went down into the dock to look at her bottom; viewed several other ships building and repairing; also the smith's shop, where the men were employed in making a large anchor; then into the store-houses in the eastern part of the yard, and looked at the mast-pond, mafthouse, and boat-houses, examined the flock of timber very attentively; afterwards went into the rope and hemp. houses, and returned on board the yacht at haif past twelve o'clock. full chorus of shipwrights, employed in repairing the Namur, fung the song of God save great George our King, as his Majesty passed. His Majesty landed again in the yard in the afternoon about five o'clock, and viewed the Alfred, a seventy-four gun ship, upon the stocks; afterwards visited the several store-houses, rigging-houses, and anchor-wharf, in the western part of the yard; from thence he proceeded to the gunwharf, and viewed minutely the magazines, artillery and stores; then to the Victualling-office at Chatham; and returned at half past seven o'clock on board the yacht.

26th April. Sunday, His Majesty landed at the yard, and proceeded to the army barracks, and to the lines, and reviewed the first battalion of the Royals, or first regiment of foot; and

at ten o'clock had a public levee at the Commissioner's house, at which a number of the officers of the navy and army were present: the Mayor, Aldermen, and Common Council of Rochester, as also many gentlemen of the county, who on this occasion came to pay their duty to his Majesty, were received with the utmost graciousness and affability.

The Recorder of Rochester addressed himself to the King in the

following words;

" Sire,

"The Mayor and Corporation of your Majesty's most loyal city of Rochester, ever desirous of paying their duty to your Majesty, and of shewing every mark of respect to so good and gracious a Sovereign, are very happy in having the honour of waiting on your Majesty, to assure you of their most inviolable attachment to your facred person, and of their zeal to support your Majesty, and your Government, on all occasions."

After which the Mayor, Recorder, and the rest of the Corporation, had the honour of kissing his Majesty's

hand.

His Majesty expressed much satisfaction at the excellent condition of the arsenals of the navy and ordnance, and of the great quantity of stores (particularly of timber) in the dockyard; and was highly pleased at the great exactness with which the officers and men of the royal regiment went through their several manœuvres.

His Majesty was received with the highest demonstrations of joy and affection from all classes of people, who testified their fatisfaction at the arrival of their Royal visitor by the loudest acclamations, and by every proof they could give of their zeal and loyalty.

April 26. At eleven o'clock his Majesty went into his barge, preceded by Rear Admiral Campbell, and embarked on board the Augusta yacht; as it was not high water, the yacht

was warped to Upnor Castle, and as foon as the tide made, she turned down the Medway, the wind being easterly; and after having been saluted by all the forts, as on his paspage up the river, anchored at Blackstakes about sour in the afternoon.

His Majesty soon after went in his barge on board the Victory; upon his entering the ship, the Royal Standard was hoisted, and his Majesty visited and examined with great attention every part of the ship, and expressed himself greatly satisfied with the order and regularity in which he sound every thing on board; and, after having staid upwards of two hours, returned to the yacht about seven o'clock, being saluted, upon his leaving the ship, with a royal salute

of twenty-one guns. April 27. Monday. At nine o'clock his Majeity went again on board the Victory, where he had a levee, when the Captains and officers of his fhips at Sheerness and the Nore were profented to him. His Majesty, after continuing on board about three quarters of an hour, went into his barge, preceded by Rear Admiral Campbell as before, rowed down to Sheerness, and landed in the dockyard at ten o'clock, where he was received by Lord Amherst, the Commissioners of the navy, and officers of the yard. Upon his landing, he was faluted by the guns of the garrison; the artificers and workmen gave his Majesty three cheers, and afterwards dispersed to their respective duties. His Majesty then proceeded to view the ships fitting in the docks, and went round the Polyphemus, of fixtyfour guns, standing in her frame to feafon; and from thence to the masthouse, boat-house, and other working-houses. His Majesty then went into the garrifon, walked round the ramparts, and viewed the batteries, attended by Lord Amherst, and the officers of the garrison: he afterwards went into the naval and

ordnance store-houses. His Majesty then viewed that part of the yard which has lately been enlarged for stowing away a greater quantity of timber; and expressed much satisfaction at finding it so amply stored. At twelve o'clock his Majesty left the yard, and rowed to the vacht at Blackstakes; and as foon as the tide was made, at half past one o'clock weighed and failed, being faluted by the Victory, the garrison of Sheerness, the ships at the Nore, and the forts, as he passed. The wind being fair from the Nore, his Majesty landed at Greenwich at twelve at night, where his carriages and efcort were ready to receive him; and arrived in about three quarters of an hour, in perfect health, at St. James's. [Gazette.

REMARKS.

April 30, 1778. The last Gazette, which, though not fo intitled, is in truth an Extraordinary Gazette, has filled me with pleasure and assonishment, and will, it cannot be doubted, firike our enemies with terror and difmay. Our pseudo patriots have laboured through this whole fession to impress the people with an opinion that we were in a very unprepared state for war, especially that our navy was in a wretched condition, and our stores (of timber particularly) very inadequate to the purpose of rendering it respectable. This gave courage to our enemies, and caused great dejection amongst ourselves; but, which was much worfe, it raifed fome fufpicions unfavourable to the otherwise immaculate First Lord of the Admiralty.

To the evidence, accounts and arguments produced on this occasion, that noble Lord, with the greatest propriety, opposed the testimony of the free and uninfluenced votes of the majority in both Houses of Parliament. These gave much consolation, and were not a little satisfactory

that this testimony had not equal weight with our enemies, owing to their not having equally perfect knowledge of those by whom it was borne.

Lord Sandwich, therefore, very wifely feized the opportunity of the recess of Parliament to provide him. felf with another witness, and this no less a personage than the King himfelf, who, with a mixture of condefcension and magnanimity never to be enough loved and admired, has become, out of affection to the noble Lord, an eye witness of the strength of his navy, and the abundance of his stores (particularly timber) and that through a feries of labours, hardship and danger, both by sea and land, not to be parallelled in the history of any other Prince in the same

space of time.

Of this Royal military expedition he has graciously permitted the aforefaid Earl of Sandwich to give a very minute account in the London Gazette; and I may venture to affirm, without being suspected of flattery, that the portion of history which will be hereafter supplied by this Gazette, will be one of the most shining pages in the annals of George the Third, present illustrious Sovereign. The rapidity of his march in a chaise and four from St. James's to Greenwich; his instant embarkation in a barge at the Hospital stairs; his quitting the barge, and ascending the Augusta yacht; his committing his facred person into that yacht to the mercy of the waves of the furious Thames, and, without convoy, to the danger-of the enemy, in the voyage from Greenwich to the Nore; his bold entrance into the River Medway, and his perilous but successful push all the way up to Chatham; the patience and constancy with which he endured the fatigues of the fea; the intrepidity and daring spirit with which he passed through the fire of so

many and fuch great ships and batteries;—these exploits, properly emblazoned by the pen of Scarch historiographers, shall excite as much respect and veneration to his memory in our posterity, as the faithful, though unadorned, narrative given in the Gazette by Lord Sandwich has raised of wonder and appiance in us to the living Prince.

Indeed, Sir, this Gazette has charmed me beyond measure. I remember to have read in the same paper, the detail of Hawke's and Boscawen's victories over the French sheets; but these sall as short of the present in the importance of the action, and the beautiful simplicity of the narrative, as Hawke and Boscawen were inferior to the Earl of Sandwich and his Majesty in naval and military skill, courage, and condust.

I cannot readily quit a subject which delights me so highly. Let us attend the Royal military expedition in imagination; for imagination alone can keep pace with its rapidity.

See our Sovereign then distaining the indolent, the balmy bleffing of fleep, and tearing himself from the arms of a fond and beauteous confort. and the endearing struggles of his much-loved children, and actually mounting his chaife about half paft nine in the morning. The lighthorse fly; the postillions crack their whips; the wheels glow; the dust rifes in clouds; and the King is at Greenwich Hospital, without repose or refreshment, about ten o'clock. Amazing expedition! Confummate temperance! Invincible perseverance! It does not appear even that his Majesty had breakfasted before he sec out. We are justified in affirming, that the King had not breakfasted, as it is impossible that a business, equal, at least, in its importance to any in the whole expedition, should have been on sted by so minute a narrator, and so jealous of his veracity,

city, as to mark the fetting out and arrival with the word about-about half an hour past nine, about ten This is not only a fensible: o'clock. but a conscientious caution. precedent for it in narration occurs to Parelles, a boasting profligate coward, in the act of betraying his master to the enemy, has informed those who catechise him, that there were in his army fix thousand foot; but recollecting himself, adds, pray fet down about-fav about fix thoufand; for I will tell the truth, though I were to be hanged for it.

Excuse this digression to the histor rian from his hero: to him we now What repose or refreshment does labouring Majesty seek at the Royal Hospital at Greenwich?-None!-Attended by Gold Stick, Sandwich, and other great sea officers, the King enters his barge, and, firmly persisting in his great designs, proceeds to the Augusta yacht, without casting one look of regret on the shore which recedes from his view; even to the very middle of the river he proceeds, and there—O guard him ye protecting angels!-ascends the gawdy veffels gilded fides. waits impatiently for a returning tide, and then, at one o'clock, the fullfwelled fails force the terrific ship over the roaring waves. But the terrors of the ocean are not the only ones which affail him: he passes, without even a change of countenance, through a fierce and continual fire from Woolwich Warren,-and from Tilbury Fort,—and from Gravesend.

Patient to endure and resolute to atchieve, the King confronts the conjoined horrors of darkness and of the ocean.—All night long he continues his voyage; and early on Saturday morning, possesses the Nore, and encounters, nay, courts new dangers. He passes close under a whole line of men of war, commanded by Admiral Campbell, from every one of which

he received a discharge of twenty-one guns. Having thus mastered the harbour, he advances to the town of Chatham, which he takes at half past eight o'clock; but not without first sustaining an heavy fire from the garrison at Sheerness, from an hundred gun ship lurking at Blackstakes; from Gillingham Fort, and also from Upnor Castle.

O tandem magnis pelagi defuncte periclis

Sed terra graviora manent.

At three quarters past eight, the victorious Monarch landed in the King's yard; there the artificers and workmen in a body gave him three cheers; and then dispersing separately, refumed their employment of chipping blocks.—At length, the exhausted man makes the unwearied King submit to some repose. He refreshes himself for a short time only at the Commissioner's house, and then resumes his labours. He views the works carrying on in the yard; then takes the London of ninety guns; then the Suffolk of feventyfour; and, lastly, the Leander of fifty. After these atchievements, to acquire a fundamental knowledge of the navy, the King looked at the bottom of the Suffolk, and finding the matter there perfectly laudable, he viewed feveral other ships, and a fmith's shop.

It would be endless, Sir, to dwell upon every particular; -- take them then in short;—he viewed the storehouse, and he looked at the mastpond, at the mast-house and boat-He examined very attenhouses. tively the *fleck of timbers*, and then went into the rope and hemp-houses. Preparing now to embark again, the alarm from the danger which his Majesty was about to encounter was fuch, that an hymn was fung in full chorus, praying God to fave him, the band being led by Lord Sandwich. The piety of Lord Sandwich prevailed, and the King got fare on board the Augusta yacht at half past twelve o'clock.

Not fatisfied with the triumphs of the morning, the unwearied Monarch effected another landing in the afternoon. The labours were of the fame kind; the inspection of old ropes in the magazines, and damaged biscuit and salt pork in the Victualling Office, equally critical and minute. The night restored him to short repose in the Augusta yacht.

Next day being Sunday (no Sabbath-day to him) he forced the lines, and seized on the barracks of Chatham; reviewed a battalion, underwent a public levee, and received the fubmission of Rochester from the Mayor and his brethren, and supported himself under a panegyric pronounced by the Recorder of that city.

Thus ended the first part of the Gazette account (by authority) of this Royal expedition, leaving us in the dark as to what is become of his Majesty; this we hope is not owing to Lord Sandwich's negligence, but rather to the secrecy necessary to insure the success of his Majesty's next operations. If so, we may pardon that noble Lord for the omission, especially as he tells us that all ranks of seeing his Majesty; as his Majesty did his particular satisfaction at seeing the timber.

Loc-Book.

St. James's, May 7, 1778.

The King and Queen fet out on the 2d instant, at fix in the morning, from the Queen's House, and arrived at Portsmouth about three quarters past twelve, when they were saluted by all the guns round the works, and the garrison.

Their Majesties got to the Commissioner's house about one o'clock, escotted by a party of the third or Queen's regiment of dragoon guards. His Majesty was attended by the Vol. VI. Marquis of Lothian, Gold Stick in waiting; the Honourable Colonels St. John and Harcourt, two of his Aid-de-camps; and Lieutenant-general Carpenter, his Equerry in waiting i and her Majesty by the Marquis of Carmarthen, Lord Chamberlain of. her Majesty's houshold; and the Countels of Egremont, one of the Ladies of her bed-chamber. The standard was immediately hoisted in the dock-yard, and the workmen alfembled, and gave their Majesties several chéers as they passed. Their Majesties were received at the door of the Commissioner's house by the Earl of Sandwich, Lord Amherst, Lieutenant-general Monckton, the Commillioners of the navy, and the Commillioners and officers of the yard. His Majesty left the house at half past five o'clock in the afternoon, to visit the yard; walked through the dealyard; viewed the Warriour of fe-venty-four guns, building; passed the itern of the Marlborough, of feventy-four guns, in dock repairing; viewed the Lion and Vigilant, of fixty-four guns, in the bason, and the Centaur, of feventy-four guns, all fitting for sea. Several of the arti-, ficers were affembled, and fang in fall chorus the longs of God fave the King, Fame let thy trumpet sound, and Britons firike home: after which they gave his Majesty three cheers. His Majesty then looked at the Fox. of twenty-eight guns, preparing to be sheathed with copper; passed the flern of the Burford, of seventy-four guns, in the dock refitting; viewed the refervoir, and the works in the boat-house channel; then proceeded to the New Ground, where the St. George, of ninety guns, was building, also the Leopard, of fifty guns, on a new slip. The company gums, on a new flip. of the Resolution, of seventy-four guns, which lay opposite, gave three cheers as his Majesty passed. His Majesty saw the Crocodile and Eurydice, of twenty-four guns each, huilds ing;

ing; he then went into the smith's shop, where the men were employed on a large anchor; then into the boat-houses; and returned to the Commissioner's house about seven o'clock.

Sunday, May 3. At ten o'clock their Majesties went to the garrison chapel, where they heard divine fervice, and a fermon preached by the Reverend Mr. Cuthbert. After which their Majesties had a public levee at the Governor's house, and were waited on by the Mayor, Aldermen, and Corporation of Portfmouth; and the Recorder first addressed his Majesty in the following words: ;

To the King's Most Excellent Majesty. Most gracious Sovereign,

We, your Majesty's most faithful fubjects, the Mayor, Aldermen, and Burgesses of Portsmouth, beg leave at this critical conjuncture to tender our fentiments of duty and affection to your Majesty, and our inviolable attachment to our free and happy Conflitution. Anxious for the glory of your Majesty's reign, and for the prosperity of every part of your dominions, we observe with the deepest concern the progress of the present dangerous and alarming troubles in America. We therefore most humbly implore your Majesty, graciously to permit us to express our most fervent hopes, that Providence will grant fuccess to your endeavours for effecting a fpeedy restoration of peace and tranquility; and that you may enjoy a long and prosperous reign over a free and happy people.

This address was very graciously

received by his Majesty.

- They were afterwards introduced to the Queen, and addressed her Majesty in the following words:

To the Queen's Most Excellent

Majesty. The humble Address of the Mayor, "Recorder, Aldermen, and Burgesses of Portsmouth.

We, your Majesty's most faithful and loyal subjects, the Mayor, Re-₹ (;...:

corder. Aldermen, and Burgesses of Portfmouth, embrace with great joy and fatisfaction this happy opportunity of expressing our zeal and affection to your Majesty's person, and our gratitude for the honour your Majesty has done this place by your pre-

The pleasure, Madam, we feel upon this occasion is greatly increased, when we reflect that we are paying our duty to a Princess, whose virtues adorn her fex, and whose example, we hope, will be productive of much public and private happiness. in these kingdoms.

It is our fincere prayer, Madam, that your Majesty may long continue to be the ornament and delight of this country; and that the throne of Britain may be filled by your Royal progeny to the latest posterity.

Her Majesty was pleased to receive this address with the greatest affability and condescension. The Mayor, Aldermen, Recorder, and Corporation, had then the honour of kissing their Majesties hands. The Admirals and Captains of the fleet, and the officers of the army, were presented at the levee, were graciously received, and had the honour to kiss their Majesties hands; as were a very great number of the nobility and gentry of the neighbourhood, and from other parts.

Monday, May 4. The King left the yard at feven this morning, and went to the gun-wharf; viewed the ordnance stores, and store-houses; and returned to the yard about eight o'clock. At a quarter past nine, the Queen went in the barge to the yacht, which lay half way to Spithead, attended by the Counters of Egremont, the Earl of Sandwich, and the Marquis of Carmarthen. The barge was preceded by Admiral Pye with his flag flying, and followed by the other Admirals and Captains in their boats, drawn up in four regular lines, amounting to fifty boats. The Sandwich, of ninety guns, Elizabeth, Cumberland.

Cumberland, and Berwick, of feventy-four guns each, and Pallas, of thirty-fix, in harbour, manned thips, and gave her Majesty three cheers as the barge passed. On getting out of the harbour, the guns of the platform, the block-house, fort, and South Sea Castle, saluted her Majesty as she passed. Her Majesty got on board the yacht at half past nine. All the ships at Spithead were manned, and the fleet faluted her Majesty with twenty-one guns each. At a quarter past ten the barge returned to the dock-yard, and his Majesty embarked on board her, attended by the Admirals and Captains in their boats, in the same manner as her Majesty: the Marquis of Lothian, Lord Amherst, the Honourable Colonel Harcourt and Colonel St. John, and Lieutenant-general Carpenter, were in the boat with the King; the thips in the harbour gave three cheers as his Majesty passed, and he was sa-Juted by the platform, block-house, and South Sea Castle.

On the King's arrival at Spithead, all the ships were manned, and saluted his Majesty. His Majesty was rowed through the sleet, and received three cheers as he passed each ship. His Majesty was also saluted by a great number of merchant ships which lay in Stokes Bay. At half passed eleven the King went on board the Prince George of ninety guns, (Admiral Keppel) where the Standard was immediately hoisted, the sleet saluting with twenty-one guns each.

The yacht with her Majesty on board, attended by the Earl of Sandwich, the Marquis of Carmarthen, and the Countess of Egremont, sailed round the sleet; the ships were all manned, and gave three cheers as the yacht passed.

At half past twelve the sleet saluted the Queen with twenty-one guns each ship, as her Majesty passed by the Prince George, where the Royal Standard was slying, the King being

on board. His Majesty, during his stay on board, saw the men at their quarters, when they performed their leveral exercises of the great guns and fmall arms; after which his Majesty received all the Captains of the fleet upon the quarter deck. At one o'clock the King left the Prince George, and went into his barge, receiving three cheers. The barge was preceded by Admiral Pye in his barge. and followed by the Admirals and Captains in the fleet in their barges. and went on board the yacht, which lay at anchor to the windward of the fleet, at half past one, where their Majesties dined, the King under an awning on the quarter deck; the Flag Officers, Generals, and those of his Majesty's suite, having the honour to dine at his table.

At half past four the Queen's health was drank, followed by a general salute from the sleet of twenty-one guns each. The same salute was repeated a few minutes after, when his Majesty drank to the prosperity of the navy, and to all his good subjects

by fea and land.

The King went into his barge at fix o'clock, and rowed round the fleet; each ship manned, and gave three cheers as his Majesty passed by he then returned on board the yacht, and came into the harbour, being saluted by the whole sleet, and the several forts as before, and by a number of cannon from the shores of Portsmouth and Gosport. Their Majesties left the yacht at half past eight, landed at the dock-yard, and went to the Commissioner's house.

The day being very fine, an incredible number of vessels, pleasure yachts and boats attended their Majesses; and on their return in the evening, all the houses of Portsmouth and Gosport were illuminated, as they had been the preceding evening.

Portsmouth, Tuesday, May 5. His Majesty came from the Commissioner's house at half past six o'clock this S 2 morning.

morning, and walked to the Burford of feventy guns, and down into the dock to see the workmen drive the treenails and caulk her bottom; then to the Centaur of feventy-four guns : and into the dock to see the ship-wrights put on the sheathing,

At nine o'clock their Majesties left the yard, and went to the Glacis near South-Sea Common, where his Majesty reviewed the 25th regiment of foot, commanded by Lieutenant-general Lord George Lenox. "The regiment went through their feveral manœuvres with the greatest exact-

ness and regularity.

The Queen afterwards came to the parrison, alighted at the platform, and walked along the ramparts to a bastion, where a pavilion was erected for her accommodation, from whence her Majesty had a full view of the fleet at Spithead. A prodigious concourse of gentry and people assembled on this occasion.

Her Majesty returned to the Commissioner's house about one o'clock.

His Majesty went from the review to fee the new fortifications erecting round the Common for the better protection of the dock-yard, and returned about half past one, amidst the acclamations of many thousand people who attended him the whole

way.

At fix o'clock his Majesty saw the rope-houses, and several other storehouses; then went to the academy. looked at the model of the former Victory of one hundred guns, and then passed into the school, and examined the drawings and performances of the young gentlemen, which he honoured with his approbation; from hence he returned to the new rope-house, and visited the remainder of the store-houses; afterwards walked through the yard to the new ground, went into the St. George of ninety guns, whose frame is nearly compleated, and returned

to the Commissioner's house at a quarter past eight o'clock

Wednesday, May 6. Their Ma-jesties, at half past nine this morning, went into the rope-house, and saw every branch of that manufacture. Her Majesty returned immediately. and the King went in the barge to the victualling brew-house at Weevill, viewed the works carrying on there, and returned to the yard at half past twelve.

His Majesty then walked into the town of Portsmouth to inspect the victualling-office and flore-houses; which having been thoroughly examined, he proceeded to the marine barracks, and then came back to the yard, went into the rigging-house; and returned to the Commillioner's house at half past one o'clock.

About fix in the evening their Majesties walked across the yard to the fmith's shop, and saw the men repairing the shank of a large anchor; and in their way home looked at the frone docks, and the ships building and repairing, and returned at half past seven.

Thursday, May 7. Their Majesties intended to have visited the yard again this morning, but were prevented, the weather proving very windy with much rain. The dockmen affembled before the Commisfioner's house, and sung a song in honour of her Majesty, who continued at the front window all the time. was followed by three cheers from the whole body of workmen.

Their Majesties set out at half past eleven this morning for the feat of the late Earl of Halifax, at Stanstead, in Sussex, about twelve miles off, and returned at a quarter past three

to dinner.

His Majesty went about six in the evening, in his barge up the harbour, on board the Britannia, of one hundred guns, and the Royal William, of eighty-four, looked into every every part of these ships, and returned to the yard about eight o'clock.

Friday, May 8. His Majesty went about half past six this morning under the bottom of a frigate of twentyeight guns, to see the workmen sheathe her with copper, where his Majesty staid near half an hour.

At ten o'clock their Majesties

went, in the barge, on board the Princels Augusta yacht, and failed in her through the fleet at Spithead to St. Helens, and returned to the Mother Bank, where the came to an anchor. -About fix in the evening the yacht, with their Majoriles on board, failed through the merchant ships in Stokes Bay, and left Spithead about half paft feven to go into the harbour; then parting with the fleet, they received a royal falute from every ship, of twenty-one guns, and the fame from South-Sea Castle, Blockhouse Fort, and the faluting battery of the town, as they passed them in their way into

St. James's, May 9.

This morning, about half past eight o'clock, their Majesties got into their post-chaise at Portsmouth, and arrived at the Queen's house at half an hour past four o'clock.

the harbour. Their Majesties landed

at eight o'clock, and went to the

Commillioner's house, before which

the workmen were affembled, who

gave three cheers, and then dispersed.

London Gazette.

St. James's, May 2.

The following address of the Roman Catholic Peers and Commoners of Great-Britain has been presented to his Majesty by the Earl of Surrey and the Right Honourable the Lords Linton and Petre, being introduced by the Lord of his Majesty's bedchamber in waiting: which address his Majesty was pleased to receive very graciousty:

To the King's Most Excellent Majesty.

The humble address of the Roman
Catholic Peers and Commoners of

Great Britain.

Most Gracious Sovereign,

We, your Majesty's dutiful and loyal subjects, the Roman Catholic Peers and Commoners of your kingdom of Great Britain, most humbly hope, that it cannot be offensive to the clemency of your Majesty's nature, or to the maxims of your just and wife Government, that any part of your subjects should approach your Royal presence, to assure your Majesty of the respectful affection which they bear to your person, and their true attatchment to the civil Constitution of their country; which having been perpetuated through all changes of religious opinions and establishments, has been at length perfected by that Revolution which has placed your Majesty's illustrious house on the throne of these kingdoms, and inseparably united your title to the Crown with the laws and liberties of your people.

Our exclusion from many of the benefits of that Constitution has not diminished our reverence to it. behold with fatisfaction the felicity of our fellow subjects: and we partake of the general prosperity which results from an institution so full of wildom. We have patiently submitted to such restrictions and discouragements as the Legislature thought expedient. We have thankfully received fuch relaxations of the rigour of the laws. as the mildness of an enlightened age, and the benignity of your Majesty's Government, have gradually produced: and we submissively wait, without prefuming to fuggest either time or measure, for such other indulgence, as those happy causes cannot fail, in their own teason to effect.

We beg leave to affure your Majesty, that our dissent from the legal establishment, in matters of religion, is purely conscientious; that we hold no opinions averse to your Majesty's Government, or repugnant to the duties of good citizens. And we trust, that this has been shewn more decisively by our irreproachable conduct for many years past, under circumstances of public discountenance and displeasure, than it can be manifested

by any declaration whatever.

In a time of public danger, when your Majesty's subjects can have but one interest, and ought to have but one wish, and one fentiment, we humbly hope it will not be deemed improper to assure your Majesty of our unreserved affection to your Government, of our unalterable attachment to the cause and welfare of this our common country, and our utter detestation of the designs and views of any foreign power, against the dignity of your Majesty's Crown, and safety and tranquility of your Majesty's subjects.

The delicacy of our fituation is fuch, that we do not prefume to point out the particular means by which we may be allowed to testify our zeal to your Majesty, and our wishes to serve our country; but we entreat leave faithfully to assure your Majesty, that we shall be perfectly ready, on every occasion, to give such proofs of our fidelity, and the purity of our intentions, as your Majesty's wissom, and the sense of the nation shall at

any time deem expedient.

Norfolk, C. M. Surrey Shrefbury for the Linton, Scotch. Stourton Petre Arundell Dormer Tevnham Clifford Char. Stourton Hugh Clifford T. Fletewood Hen. Englesield Hen. Tichborne Thomas Weld John Biddulph Anthony Wright, jun.

John Towneley R. Dolman, jun. Robert Dolman R. Strickland Thomas Witham Francis Witham Charles Stenor John Giffard Vincent Gandolfi Peter Jof. Gandolfi Francis Hutton Anthony Wright Tho. Langdale William Witham, jun. Ferdi.Huddleston Henry Bostock James Hunloke

Robert Hunloke Wind. Hunloke T. Huddleston R. Huddleston T. Taunton Sam. Taunton Philip Jones Jos. Webb Ignatius Geoghegan Ch. Biddulph Ch. Talbot Francis Eye Edm. Plowden Fran. Plowden Franc. Sheldon R. Kilbye Cox Francis Wright C. Dormer, jun. F. Fortefcue Turvile Ed. Sheldon Miles Stapleton George Cary T. Strickland · Henry Maire 1. Strickland, jun. T. Swinburne Ed. Bedingfeld · Henry Crathorne T. Dillon Wil. Chalton Henry Fermor Edward Cary W. Colegrave W. Jerningham Fran. Mannock Wal. Vavasour Robert Throckmorton Wal. Blount Henry Hunloke Richard Acton Iohn Webb Thomas Gage E. Swinburne R: Bedingfeld E. Smythe W. Stanley Henry Lawfon Tho. Stapleton Phil. Langdale George Heneage

Robert Cansfield Gerrard John Frankland E. Jerningham Francis Prujean Wil. Prujean John Prujean . Samuel Cox Jos. Blount Fran. Canning Thomas Rowe T: Southcote Wil. Clavering Ed. Clavering. jun. Vin. Eyre Mic. Blount James-Butler Tho. Fitzherbert John Berkeley Rt. Stanford Wil. Acton James Stanford Wil. Sheldon R. Sheldon Wil. Fenwick Iohn Fenwick Henry Witham Hen. Wakeman Fran. Cholmley John Chichester Tho. Cliffton Sim. Scroope John Trafford Wil. Witham And. Matthew John Wright Char. Dormer John Lawson Francis Trapps R. Clavering George Ann Wil. Kersopp James Nelson John Stanley Maffey James Farmer Henry Howard Richard Lacon George Silvertop John Silvertop John Lawfon Robert Dalton

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Joseph

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agreed upon and figured at the royal feat del Padro, on the 11th of this present month of March, 1778, by my Minister Plenipotentiary Don Joseph Monino, Count de Florida Blanca, and by the Minister Plenipotentiary of the faid Most Faithful Queen Don Ynocencia de Souza Continho, a treaty of neutrality, guarantee, and commerce, in which are revalidated and explained the fornier treaties which subsist between Spain and Portugal, the tenor of which treaty of neutrality, guarantee, and commerce, is word for word as follows:

. In the name of the Hoby Trinity. By the first article of the preliminary: treaty of limits or boundaries, happily concluded between the two Crowns of Spain and Portugal, and their respective Plenipotentiaries at St. Yldefonfo, on the ist of October last year, 1777, were confirmed and revalidated, the treaties of peace folermized between the two Crowns aforefaid. in Lisbon, the 13th of February, 1668, in Utrecht, the 6th of February, 1715, and in Paris, on the 10th of the same month of February. 1763, as they are found inferred, word for word, in the before-mentioned treaty of 1777, as far as they were not lessened by that.

The two treaties of Lifbon and Utrecht which are mentioned, and are at present renewed, have been, and especially the first, the basis and ground-work of the reconciliation and junction of the two monarchies, Spain and Portugal, to be brought in the state in which they are; on this day, respecting one the other, and thereby were both guarrantied by the Kings of Great-Britain. But as the already-mentioned treaty of Paris, of the 10th of February, 1763, did, by Whereas, for the tranquility and the expression of the 21st stricle, and others, raife some doubts and difficul-

TREATY of FRIENDSHIP, GUA-RANTEE, and COMMERCE, concluded between the King our Lord and the Most Faithful Queen, and , ratified by his Majesty, in del Pardo, the 24th of March, 1778. Don Carlos, by the Grace of God, King of Spain, &c. &c.

common benefit of my estate, and those of the most powerful Princess, ties, by which ambiguous meaning Donna Maria, the Most Faithful the basis was laid for many disagree-Queen of Portugal, there has been ments, which occurred in the South Seas, between the vallah of the two Crowns. In the like manner, other articles and expressions of the two former treaties of Lisbon and Utrecht, and various points which since then remain depending, and are not explained to this hour, might, in time to come, be productive of equal or greater disputes, or at least forgetfulness, and, in observance of the treaty, cause new discords?

Their Catholic and Most Faithful Majesties, wishing for ever to prevent, or foreclose such hazards, and hinder its consequences, have resolved, by means of this present treaty, religiously to comply with the faid atticle, No. I. of the preliminary treaty of 1777, to give the stability and explanation which the ancient, confirmed treaties demand, and, by that means, establish the most permanent indisfoluble union and friendthip between the two Crowns, which their natural fituation, the vicinity of their territories, the ancient and modern connections, and confanguinity of their respective Sovereigns, the identity of origin, and the reciprocal interest of the two nations claims.

In order then to effectuate to landable, great, and profitable a work, the most high, most mighty, and most petent Prince, Don Carlos the Third, King of Spain and the Indies, and the most high and most puissant Princess Donna Maria, Queen of Portugal, the Algarves, &c. agree to nominate their respective Plenipotens tiaries, to wit, his Catholic Majesty, the King of Spain, his Excellency Don Joseph Nonnino, Count de Florida Blanca, Knight of the Royal Order of Charles the Third, this Counseller of State and dispatches, Superintendant of the land and maripe departments, and Post-mastergeneral in Spain and the Indies; and her Most Faithful Majesty the Queen of Portugal, his Excellency Don Francisco Vnocencio de Sonza Con-

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tino, Knight of the Order of Christ, a Member of her Council, and her Ambassador at the Court of Spain, to act for their respective Sovereigns, they the Plenipotentaries having received their instructions and power in due form, have agreed, in the names of both their Monarchs, to upon the following articles:

ALT. I. Agreeable to the compact between the two Crowns, in the faid renewed treaty, the 13th of February, 1668, and remarkably in the articles 3, 7, 10, and 11, and for the better explanation of the fame, following other ancient treaties to which the faid articles refer, which were adhered to in the time of King Don Sebastian, and those entered into between England and Spain, on the 15th of November 1630, and the 23d of May, 1667, which likewise extended to Portugal, those high contracting Powers declare, for themselves, and in the names of their heirs and succesfors, that the peace and friendship which they have established; and which shall be observed between their respective subjects, in the whole extent of their vast dominions in the Old and New World, is to be, in conformity to the alliance and good understanding between the two Crowns, in the time aforefaid, of the Kings Charles the First, and Philip the Second, of Spain, Don Manuel, and Don Sepastian, of Portugal; their Catholic and Most Faithful Majesties, and their vassals, affording to each other such help and good offices as behove true and faithful allies and friends, infomuch that the one shall labour for the good and interest of the other, and prevent reciprocally, impending damage, danger, and prejudices, as much as intheir power lies, and when and wherefoever it threateneth.

ART. II. In confequence of the compact declared or fet forth in the preceding article, and what the renewed ancient treaties further express, and

and others which they refer to, that they may not be derogated from by any of their successors, their Catholic and Most Faithful Majesties promise, not to enter, one against the other, nor again their possession, in either part of the world, in war, alliance, treaties, nor agreements, nor grant passes to their ports and territories, lend affistance, direct or indirect, nor fubfidies, of what nature or denomination foever; neither permit that their respective vassals do the same, before first reciprocally well advising and acquainting the other, what they know, understand, or presume what is transacting against either of the two Sovereigns, their dominions, rights, and possessions, without and within their kingdoms, be it by rebels, or persons evil-minded and discontented of their glorious governfettling, negociating, and ment; affishing with one accord, to impede, or reciprocally to repair the damage or prejudice of either of the two Crowns; for which purpose they will communicate and give to their Ministers in other Courts, as also to their Viceroys and Governors of their provinces, the orders and instructions which they shall think proper on that subject.

ART. III. With the proper objects of fulfilling the engagements agreed upon in the ancient treaties, and to which those refer, subsisting between the two Crowns, their Catholic and Most Faithful Majesties have agreed to give them more expression and vigour, and oblige themselves, as they do hereby oblige themselves, a reciprocal guarantee of all their dominions in Europe, and adjacent islands, royalties, immunities, and rights, which they actually possess in the fame; as likewise to renew and revalidate the guarantee, and besides other points established in article XXV. of the treaty of limits, dated the 13th of January, 1750, which will be copied in the fequel of this, it being Vol. VI.

understood the limits which were there established in respect to the South Seas, in the terms stipulated and fully explained in the preliminary treaty of the 1st of October. 1777, the tenor of the faid article 25 being as follows: "For the more ample fecurity of this treaty, the high contracting Powers, reciprocally guaranty the one to the other, the whole frontiers and adjacencies of their dominions, in South America, as before expressed, obliging themselves, one to the other, to protect and fuccour each of them, against any attack or invasion, until they shall be in peaceable possession, and free and intire propriety of what was pretended to be usurped." And this obligation, as far as concerns the sea-coasts, and the countries bordering upon the same, on the part of her Most Faithful Majesty, is to extend to the borders on each fide of the Oroonoco, and from the forts to the Streights of Magel--lan; and on the part of his Catholic Majesty, they are to extend to the borders on both fides of the river Amazon, or the Maranonns, from thence to the Puetre dos Santos. But as to what relates to the interior part of the South Seas, this obligation shall be undefined. And in case of an invalion, or infurrection, each of the Crowns shall succour and assist one the other, until matters are peaceable again.

ART. IV. If either of the two high contracting Powers, without being in any danger of being invaded in their. territories, possessions and rights, which are comprehended in the foregoing article, to enter into a war with any other power, they shall be obliged, that which has no part in that war, to guard, and cause to be observed in their territories, ports, coasts, and seas, the most exact and strictest neutrality. Reserving in case of an invation, or any disposition towards fuch, in the guarantied dominions, a reciprocal defence, to which both

both Monarchs bind and oblige themfelves, in consequence of their engagements, which they desire and promife religiously to comply with, without default of the treaties which subsist between the high contracting Powers and other potentates of Europe.

ART. V. To follow up to the true meaning of the two immediate preceding articles, although by the 22d article of the faid treaty of St. Videfonfo, dated the 1st of October, 1777, it is agreed, that in the island and port of Santa Carlina, and its coasts, the admittance of a squadron of foreign ships of war, or sleets of merchantmen, are not permitted, in the manner and form therein fet forth, yet as hospitality, in cases of distress and absolute necessity, should not be wanting, and fuch hospitality is not abused by illicit trade or intended invasion upon a power in friendship, such permission may be Spanish ships are also not granted. to be prevented to touch in any port on the coast of Brazil, when necessity obliges them to put in; nor is proper affistance or refreshment, such as behoves friends and allies, to be refused them, they keeping up to the laws and customs, and avoiding illicit traffic at the places they touch at. Therefore their Catholic and Most Faithful Majesties have thought proper to declare, that by this declaration it should be so understood, and the parties to regulate themselves accordingly.

ART. VI. That due regard be paid to what is stipulated in article XVIII. of the treaty of Utrecht, of the 6th of February, 1715, made between the two Crowns, and for the better explanation of that, and the ancient treaties and covenants of the times of King Don Sebastian, the two high contracting Powers declare, that besides the criminality specified in the said agreement, are comprehended, and are to be comprehended in the

general expression of the same, as if they had absolutely been named. The villainy of uttering false coin, contrabands in imports and exports, of such goods as are actually prohibited in either of the two kingdoms; likewise military and marine directions to be understood, delinquents and deferters to be given up, although the punishments which are to be inflicted upon the latter, pain of death, is to be excepted, to which they are not to be condemned, both Monarchs preferring to change such punishments to others more lenient, and not make them capital. To facilitate the immediate apprehension, and delivery up of the one and the other, the two high contracting Powers have resolved, that it be so done, without any further ceremony, at all times when they are claimed by a Minister, or Secretary of State for foreign affairs, to either of the two Powers, by means of his office, be it direct or by their respective Ambas-Yet when their tribunals folicit the delivering up of any criminal, they are to observe the formalities of stile in their warrant, established since the time the above-mentioned agreements were made.

Finally, if their Catholic and Most Paithful Majesties shall think proper in time to come, to make any new explication upon the particulars of which this article treats, particularizing any other determined case, they will communicate the same, and settle it amicably, ordering that what they regulate amongst themselves be held in due observance, as also every thing which is here stipulated, and for which purpose they are immediately to issue their proper orders.

ART. VII. By article XVII. of the already mentioned treaty of Utrecht, of the 6th of February, 1715, it was covenanted, that the two nations, the Spaniards and the Portugueze, should enjoy reciprocally in their respective European dominions all the advan-

tages,

tages in trade, and all the privileges, freedom, and exemption which had been granted them till then, and should in future be granted to the most favoured nation, and the most privileged of all who traffic in them. And moreover of what is fet forth in the faid article, in order not to leave in uncertainty any thing in the covenant, it was agreed upon by another feparate article. That trade being reestablished between the two nations, and continuing in the state it was before the war which preceded the faid treaty, shall so subsist, until it shall be declared in what manner and channel the said trade is to run: in consequence then of the faid articles and of having been renewed, re-validated and ratified in article I. of the preliminary treaty of limits; the whole treaty of Utrecht, their Catholic and Most Faithful Majesties, have promifed to keep and preserve in the most exact manner, and in the form specified in the contexture of the said article XVII. and separate as they literally are.

ART. VIII. For making the declaration referved in the faid feparate article of the conformity, mode, and channel in which the trade shall run and be carried on between the two nations, their Catholic and Most Faithful Majesties have agreed, taking for rule and direction the articles HI. and IV. of the treaty entered into between the two Crowns, dated the 13th of February, 1668, guarantied by Great Britain, and renewed or rasified equally in the article I. of the preliminary treaty of the limits in as much as they could be adaptable; which articles are in substance as follows:—Article III. The vassals and inhabitants of the territories possessed by the one or other King, shall all of them have a good understanding, and live in friendship, without any ill blood for offences and damages passed, and may communicate with, enter and frequent the limits of one or the

other, and use and exercise their trade with full fafety by land and fea. in the form as it used to be done in the time of King Don Sebastian. Article the IVth. The said vassals and inhabitants of the one and the other part, shall reciprocally have the same security, liberty and privileges which are granted to the subjects of the Most Serene King of Great Britain, by the treaty of the 23d of May, 1667, and another treaty in the year 1630; in that, that it may not derogate by this of the same form and manner as if all those articles regarding commerce and immunities were here expressly declared, no one article excepted, altering only the name in favour of Portugal; and those privileges the Portugueze nation shall enjoy in the dominions of his Catholic Majesty, in the manner as they did in the time of King Don Sebastian.

ART. IX. In confequence of the treaty in the foregoing article, the whole above-mentioned treaty of the 20th of May, 1667, made in Great Britain, shall be in common to the two nations, the Spaniards and Portugueze, without further modelizings or explanations; but as they have been made between the two Crowns of Spain and England, the two nations, the Spaniards and Portugeze. referving to themselves the amplifications which by ancient privileges by their respective Monarchs have been granted them, and which they enjoyed in the reign of King Don Sebastian.

ART. X. For the completion of the foregoing articles and the faid treaties, and that there may be the greatest exactness and clearness in its execution, the lists, papers, and records of the 23d of October, 1668, and those beside, which have been made for the recovery of the duties of the fruit a merchandize coming in, and going out for Portugal, and from Portugal to Spain, to their sea-ports and by land be looked into, thereby

regulated, enlarged and modelized, agreeable to the tenor of the faid treaties, always referving the alterations which the times may have caufed in the appellations and prices of the faid fauits and merchandizes, additions and diminutions of their kinds and species, and other particulars.

ART. XI. In those lists, papers, and records, are likewise specified those goods and fruit which are prohibited by these Powers in their respective dominions; and fince then their Catholic and Most Faithful Majestics have agreed, That a prohibition is to be taken off of all fuch as are not immediately or absolutely necessary for the good Government of interiors of their dominions; both nations suiting themselves in this point reciprocally as shall be most convenient to them, fetting apart any particular animosity or exception; and they do religiously comply with the articles of the said treaties of 1667, 1668 and 1715, which is thus articled and guarantied.

ART. XII. Even so will be collected the privileges which the two nations have enjoyed in the time of King Don Sebastian, and the said collection authorized or supported with due solemnity will be esteemed and held as a part of the treaty, and the list or record will be an opening or door to the rights mentioned in

the foregoing article.

ART. XIII. Their Catholic and Most Faithful Majessies being desirous of promoting the advantages of trade of their respective subjects; which can be rendered evident in the reciprocal purchase and fale of Negroes, without tying themselves up to prejudicial contracts and assente up to prejudicial contracts and affientos, such as were made in former times with the Portugueze, French and English, it having been found necessary to cut off and annu the same, the two high contracting Powers have agreed, in order to gain thereby and in some measure to compensate, for the ces-

fions, restitutions and renunciations made by the Crown of Spain in the preliminary treaty of limits, dated the 1st of October, 1777, her Faithful Majesty shall cede, as in fact she hereby does cede for herfelf, and in the name of her heirs and fuccessors to his Catholic Majesty and his succeffors to the Crown of Spain, the island of Annobon on the coast of Africa, with all the rights, possesfions and claims which she has or can have in the faid island, that thus from this time it belongs to the Spanish dominions, in the same manner as it has hitherto belonged to the Crown of Portugal; and moreover all the right and claim which she has or can have to the island of Fernando del Po in the Gulph of Guinea; fo that the subjects of the Crown of Spain, can establish themselves therein, and carry on their trade in the ports. and on the coast opposite to the said island; such as the ports of Rico Ga: baon, the Camarones, Santo Domingo, Cabo Fermoso, and others in its districts, without any disturbance or impediment to the trade of the fubjects of Portugal, particularly of the Island del Principe and Santo Tomé, who at present go and in future shall go to traffic on the said coast and ports: the Spanish and Portugueze subjects comporting themfelves with the most perfect harmony, without any motive or pretext prejudicing or diffurbing one the other.

ART. XIV. All the Spanish veffels, be they men of war, or merchantmen of the said nation, who shall put into the Islands of Principe and Santo Tomé belonging to the Crown of Portugal, in order to refresh the people, victual, water, and provide themselves with any other necessaries, shall be received and treated in those islands as the most favoured nation. The like indulgence shall be shewn to the Portugueze men of war and merchantmen which shall come to the Island of Annobon, or Fernando del

Po, belonging to his Catholic Ma-

iestv.

ART. XV. Besides the succours which the two nations, the Spaniards and Portugueze, are to give one the other, in the faid Islands of Annobon and Fernando del Po, and in those of Santo Tomé and del Principe, their Catholic and Most Faithful Majesties have agreed, that in those islands that there may be between the subjects of both Sovereigns a free Negroe trade and commerce; and in case the Portugueze nation should bring them to the said islands of Annobon and Fernando del Po. they shall be immediately and exactly bought, paid for at the price they were bargained for, and in proportion to the quality of the flaves, without any exaction upon them who used to furnish and do furnish or provide other nations in the like fales and places.

ART. XVI. In the like manner his Catholic Majesty consents, that the confumption of leaf tobacco, which shall be occasioned by the said trade in the faid island, and the immediate coast of Africa, shall last for the space of four years for those which are the growth of Brazil; at the expiration of which, a regular and formal contract must be made with the person or persons which the Court of Lisbon shall appoint, in which will be specified the quantity of tobacco, prices, and other circumstances which may occur upon that business; and those four years being passed, it will be eafter to treat, (having then acquired fuperior knowledge) to prolong or not to prolong the contract, and to amplify, model, or explain the con-

dition.

ART. XVII. The article of this treaty, or any of them, may be adaptable to other Powers than the two contracting, they think it convenient to invite them to accede; their Catholic and Most Faithful Majesties reserving to themselves to re-

gulate the same in every respect, so as to tend to the reciprocal interests of the two Crowns, and to them or those who will accept and accede to such their invitation.

ART. XVI. Both contracting Princes will take care to publish in their respective dominions, and acquaint all their vassals, the covenants, and obligations of this treaty, charging them to observe the same with the greatest exactness and execution; and that they will rigorously punish those who shall counteract the same.

ART. XIX. This present treaty shall be ratified in the precise limited time of sifteen days after it being signed, or before, if possibly it can be done.

In witness whereof, we, the underwritten Ministers Plenipotentiary, sign with our hands, in the name of our august Masters, and in virtue of the power with which they have invested us, this present treaty, and seal the same with the seal of our arms, done in the Royale Residence del Pardo, this 11th day of March, 1778.

El Conde de Florida Blanca, Don Francisco Ynocencio de

Souza Coutinho.

Ratification and approbation of his Catholic Majesty, and counter-signed by his Secretary of State for the Indies.

Yo el Rey. Joseph de Galvez.

Ratisbon, April 13, 1778.

On the 10th instant, the Imperial Ambassador delivered an answer, in due form, in the assembly of the Diet, to the declaration of his Prussian Majesty, delivered in the same assembly by his Ambassador on the 16th of March; the substance of which answer is as follows:

"That his Imperial Majesty having laid before his Highness the Elector Palatine soon after the decease of the late Elector of Bayaria, his claims and

and pretentions on Lower Bavaria; as the patrimony of the late Duke John of Bavaria, and the different fiefs fituated in the Upper Palatinate, and formerly granted by the Crown of Bohemia, &c. the faid Elector Palatine has acknowledged the faid pretensions to be valid and well-grounded; that in consequence thereof, an agreement has been made between the two parties, according to which the division of Bavaria has been settled in the same manner as it has taken place, without affording a third power a just ground for interfering in the business which properly regards only the Emperor and the preient Elector of Bavaria; and whereas this does not bear the least shadow of dismembering the dominions of a Prince of the Empire by force, as has been represented by the Elector of Brandenburgh, but is founded on just pretensions, and a friendly agreement: his Imperial Majesty does not think himself any ways accountable to any Elector or Prince of the Empire for the steps he has taken in the course of this dispute; but thoroughly fatisfied, that in the cause he has embarked he has justice on his fide, he is determined to persevere in the measures he has adopted, and to support his pretentions by force of arms."

After this memorial had been delivered to the members of the Diet, the Prussian Minister made a reply

to the following purport:

"That he would transmit this Memorial of his Imperial Majesty to his master, and wait for surther instructions how to proceed in the business; but that in the mean time he could not avoid repeating to the Diet, that he had received express commands from his Court, to assure them that his master had no other object in his view than to support the Constitutions of the Empire, and to see the different family compacts entered into carried into execution according to

law; and to maintain the peace and general welfare of the Empire."

The Diet then resolved, That a copy of the treaty between the Emperor and the Elector Palatine should be laid before them; and of which the following are the most essential articles:

"1. That the claims of the House of Austria on Lower Bavaria, having been first laid before the Elector Palatine, his electoral Highness shall duly recognize and acknowledge them.

2. That it shall be lawful for Austria to take possession of all those districts which formerly composed the patrimony of Duke John (who lived

in the fifteenth century.)

"3. That the House of Austria shall be at liberty to take possession of those districts to which Duke John

had a doubtful claim.

"4. That if the Elector Palatine shall affert, that any particular district, which his Highness may wish to retain, did not belong to Duke John, the proof of the negative shall rest upon the Elector."

Though the Imperial Minister cautiously avoided to lay before the Diet the particulars of this negociation, yet it is a most certain fact, that the Elector Palatine was told, that if he did not accede to these articles, 60,000 Austrians should immediately march from the frontiers, and take possession of Upper and Lower Bavaria, together with the Upper Palatinate.

This menace produced the defired effect; for the Elector Palatine, in confequence of it, immediately figned the treaty, in presence of Count Sein-

theim, and Baron Vieregg.

On the 11th instant, the day after the Imperial Minister had communicated his memorial to the Diet, the Elector Palatine laid before that august assembly his claims to the following districts, into which the Emperor has already marched his troops. On one side of the Danube, Ricdemburg.

Altmannstein,

Altmannstein, the city of Hof, Weachs, Wetterfield, Scowarzach, Zwiesel, Weissenstein, Pegen, Deisienstein, Bernstein, Bodenmeiss; on the other side of the Danube, the districts of Abensperg, Rottenburgh, Eeknicht, Teysbach, Leonsbergh, Osterhofen, Griesbach, &c.

The will of the late Elector of Bavaria was afterwards laid before the Diet; the most material articles con-

tained in it are.

"That after the decease of Duke Clement (brother to the late Elector of Bavaria) the reigning Elector Palatine should be declared heir to all the allodials, &c. of Bavaria.

"That the Elector Palatine, when he should succeed to the Bavarian dominions, should deliver up to the Electress Dowager of Saxony the old family set of jewels, worth 200,000 florins.

"That he should pay to the Electress Dowager of Bavaria, exclusive of her jointure of 460,000 florins, secured by the marriage settlement, the sum of 225,000 florins.

"That the Elector Palatine, when Elector of Bavaria, and his heirs for ever, in that electorate, should con-

stantly maintain an army of 10,000 effective men.

"And that those who should be actual Ministers of State at the decease of Maximilian, should, together with the Elector Palatine and the States, be executors of his will."

Admiralty-Office, May 22. The letters, of which the following are copies, were this day received from Admiral Young, Commander in Chief of his Majesty's ships at the Leeward Islands, in his letter to Mr. Stephens, dated the 23d of March last. Copy of a letter from Captain VINCENT, of his Majesty's ship Yarmouth, to Admiral Young, dated Barbadoes, March 17, 1778.

I take the opportunity of the January packet's failing from hence to-

morrow morning, directly for St. John's, Antigua, of acquainting you of my having on the 7th instant, at half past five, P. M. discovered fix fail in the S. W. quarter, on a wind standing to the northward; two of them ships, three brigs, and a schoo-We were then 50 leagues to the east of this island. We immediately bore down upon them, and about nine got close to the weather quarter of the largest and headmost ship. They had no colours hoisted; and as ours were then up, I hailed her to hoist hers, or I would fire into her: on which she hoisted American, and immediately gave us her broadfide, which we returned, and in about a quarter of an hour she blew up. It was fortunate for us that we were to windward of her; as it was, our ship was in a manner covered with parts of her; a great piece of a top timber, fix feet long, fell on our poop; another large piece of timber stuck in our foretop-gallant fail (then upon the cap); an American enfign rolled up, blown in upon the forecattle, not fo much as finged. Immediately on her blowing up, the other four difpersed different ways. We chaced a little while two that stood to the fouthward, and afterwards another that bore away right before the wind, but they were foon out of fight; our fails being torn all to pieces in a most furprizing manner. We had five men killed, and twelve wounded .--But what I am now going to mention is fomething very remarkable; the 12th following; being then in chace of a thip steering west, we discovered a piece of a wreck, with four men on it waving; we hauled up to it, got a boat out, and brought them on board; they proved to be four men who had been in the ship which blew up, and who had nothing to fubfill on from . that time but by fucking the rainwater that fell on a piece of blanket, which they luckily had picked up. They informed us the thip blown up was

was called the Randolph, of 36 guns and 305 men; the other ship was the General Moutry, of 20 guns; and the other three armed brigs; and sailed from Charles-town, South-Carolina, about a month before.—I resumed the chace, but she was too far a-head to get up with her; however, I continued it, in order to drive her at least off the station, till eleven that night, when we made this island, having lost sight of her.

Copy of a letter from Capt. PRINGLE, of bis Majesty's ship Ariadne, to Admiral Young, dated Carlisle

Bay, March 18, 1778.

I have the honour to acquaint you, that, early in the morning of the oth instant, I saw two sail to the eastward, whom I chaced, having his Majesty's sloop Ceres in company. The two strangers at first shewed a disposition to attack us, but, in confequence of the King's ships having brought the sternmost to close action about noon, the other made off. The ship in action, after having given to and received from the Ariadne and Ceres some broadsides, struck; and proved to be the rebel ship Alfred, of 20 nine-pounders and 18c men. Her confort was the Raleigh, of 32 guns, whom with the utmost dispatch we made fail after, and chaced from that time until ten o'clock the next day; finding that we did not come up with her, and that she was throwing every thing overboard to lighten, we left off chace.

The two rebel cruizers had been at Port L'Orient in France, to fit out; and came here to cruize for the English and Irish convoys, having taken the coast of Guinea in their way. They had taken no vessels since their leaving France.

For the REMEMBRANCER.

I faw in the last number of your Remembrancer, a copy of a letter from Governor Pownall to Mr. Bollan, in which the services of the province of Massachusett's-bay were stated for the purpose of soliciting the reimbursement. I should be glad, for the honour of the province, and in justice to the people who have been so shamefully traduced, if you will insert the following copy of a letter on the same subject, from the Governor to the Right Hon. Mr. Secretary Pitt, dated Boston, Feb. 14, 1760:

(C O P Y.)

It is my happiness, as well as duty. to lay before you the fervices of his Majesty's province of Massachusett'sbay. It has been hitherto their merit to obey, with unfeigned efforts of their duty, his Majesty's commands when called to his fervice; and, notwithstanding that their exertions have been always proportionate to a supposition that each year would be the last, by which, consequently, they have made efforts not easily to be repeated or continued, yet this last winter, previous to any call, on my only mentioning to them, that the circumstances of his Majesty's service required the continuance of the province troops, in the garrisons of Cape Breton and Nova Scotia, they made a further and ample provision for their continuance, and by fuch a manner of encouragement at a very great expence, as the people in those services readily complied with, otherwise that part of his Majesty's service called the Regulars, must have been greatly weakened and distressed.

It has been hitherto their merit to stand foremost in the King's service: but here they stand alone.

Under these circumstances, had they measured their duty by any proportion of service, or of their own abilities, compared with his Majesty's other provinces, it could not have been expected that they would do more than persevere in this continued exertion; yet, when I laid before them how much his Majesty's service, this year, more than ever, required not only

bnly a vigorous but an early provision, they with unanimity and chearfulness, previous to any call from the crown, previous to any promise of recompence, engaged in making such provision with a spirit that would have been meritorious had it been the first, and to be the only one which could ever be expected from them: but exhausted as every source of money and menhearly is, it is hitherto entirely an unexampled effort, but what I hope may prove an example to others.

If these services have the happiness to recommend them to you, we hope, Sir, you will patronize a loyal province in laying them before his Ma-

jesty.

It would be injustice in me. as Governor, to assume any part of the merit of these services: it requires no art, no management in a Governor, but what his duty requires to lead them to these. Their unremitted zeal for their service; their unbounded affection and duty to his Majesty, and their actual confidence in the wisdom and vigour of Administration, are the true sources of these efforts. The spirit of these services is really the present spirit of the people, and their's should be the merit: as to myself, I shall think it sufficient if I be found doing my duty amid fo zealous and faithful a people; and if his Majesty, by your favourable representation, shall accept the same.

I have the honour to be,

Sir, &c.

T. POWNALL.

To the Right Honourable Mr. Secretary Pitt.

Trenton, April 30, 1778.

Camp, at Valley-Forge, April 25.

The numerous inconveniences of a large baggage must be apparent to every officer of the least observation, an army by means of it is rendered unwieldly, and incapable of acting with that ease and celerity, which are essential either to its own Vol. VI.

security and defence, or to vigour and enterprize in its offensive opera-The folicitude which those who have a large quantity at stake will feel for its safety, even in the most critical circumstances, is sometimes attended with very alarming confequences; and individuals frequently and unavoidably sustain no inconfiderable losses from the imprudence of encumbering them with fuperfluous baggage. The public is burdened with a fruitless expence in an additional number of horses and waggons, and the strength of the army is diminished by the extraordinary number of guards required for their protection. These disadvantages, and many more that will fuggest themselves on reflection, notwithstanding the pains taken to remedy them, have heretofore been severely felt by this army. Many instances will be recollected in the course of the last campaign, and among others the great loss which attended the sending the superfluous baggage, during the more active part of it, to a distance from the army. The Commander in Chief hopes these considerations will influence officers in the enfuing campaign, to provide themselves with those necessaries which cannot be dispensed with, and with the means of carrying them in the most easy and convenient manner; in order to which, he strongly recommends the disuse of chests and boxes, and that portmanteaus or valises, made of duck, may be substituted instead of them: this will be the more requisite, as it is in contemplation to employ as few waggons as possible, and to make use of pack-horses as far as may be practi-It is expected the General cable. and Field Officers will fet the example, and see that it is strictly followed by all those under their respective commands.

Extracted from general orders.

ALEX. SCAMMEL, Adj. Gen.
U About

About the middle of April, 18 pieces of cannon were fent from Boston for the new fort, which the Americans are constructing at West Point, in the Highlands, upon Hudson's River. General Putnam is appointed Superintendant of the works carrying on there, and Mr. Parsons takes the command of the Provincial army affembled at and near Marineck, which has been lately augmented by reinforcements from New-England.

New-London, March 26. Last Saturday arrived here from Port L'Orient, in France, the ship Lyon, 2 three decker, of about 1100 tons. commanded by Captain Michael, having a defensive commission, mounting 40 guns, and has upwards of 200 men, deep laden with European and India goods to a very large amount. She left L'Orient the 31st of December, in company with another French ship of 20 guns, and the Continental fhips Alfred and Raleigh, but parted company with the two latter 13 days after they came out; the other ship kept Captain Michael company till about three weeks ago, when both vessels arrived at the mouth of James's River, and the former going into the river was taken by a British man of war, upon which Captain Michael flood to the eastward. Four days be-fore his arrival here, he saw a fleet of 13 fail with two men of war under Continental colours, but supposes they were a British fleet.

By Captain Joshua Hempstead, jun. who came passenger in Captain Fitch from North-Carolina, we learn, that about 70 fail of Bermudian vessels have, within this three months past, arrived there with salt.—That six ships, one snow, and two brigs, have also lately arrived there from France; that another brig from France was lost at Hatteras, but the people and cargo were saved; that trade is very brisk in North-Carolina: and that that State had drasted 5000 of their militia to join General

Washington's army, to be commanded by Governor Caswell.

Williamsburgh, March 19. From North-Carolina we learn, that Governor Caswell had made up five thousand volunteers, at the head of whom he was to march to reinforce General Washington in a few weeks.

A frigate of thirty guns from France, is just arrived in North-Carolina, deeply laden with all forts of necessaries for the army.

St. James's, June 15. The Lieutenant Bailie and States of his Majefty's Island of Jersey having waited upon the Right Honourable General Conway, Governor of the said island, with the following address, the same has been transmitted to the Lord Viscount Weymouth, one of his Majesty's principal Secretaries of State; together with the Governor's answer:

The States of his Majesty's Island of Jersey, the inhabitants of which have ever been distinguished for the unshaken loyalty, come to give you their assurances of the true and unseigned joy which they have selt on the occasion of your safe and happy arrival in this your government.

We are deeply fensible of the great and many blessings which we enjoy under his Majesty's most gracious reign, and cannot but acknowledge his paternal care of us, particularly in having appointed for our Governor a person of your known and distinguished merit, as well in a civil as in a military capacity.

We are conscious of the proofs you have already given us of your regard to our welfare, and of your attention to the security of this island, of which we have a fresh instance in so seasonable a visit of this your government at this critical and threatening juncture.

We doubt not your presence here will be attended with the most happy consequences: that it will not fail to animate every one of the King's subjects with fresh zeal and ardour, and may damp the spirit of an enterprize which may have been formed against us; and we cannot but hope, that in consequence of the report which you will make on the state of this frontier island, (so much exposed to an invasion from a formidable power) the necessary measures will be for putting it in the best posture of defence, and to secure us against any designs of an ambitious and enterprising power, which has always viewed us with a jealous eye, and frequently meditated an attack upon this island.

It is with great pleasure that I can affure you of the readiness of the States to co-operate with you with chearfulness and alacrity, in promoting every measure which may tend to the advancement of the King's service, and to the security of this his

ifland.

We beg, that upon your return to England, you will affure our most gracious Sovereign of our inviolable attachment to his person, family, and Government; and that we shall not cease to offer our most fervent prayers for the happiness and prosperity of his reign, and for the uninterrupted success of his arms.

Island of Jersey, the 6th of May, 1778.

Gentlemen,

I receive, with particular satisfaction, the assurances of your zeal and attachment to his Majesty, his family

and Government.

I am highly fensible of the regard you express for me as Governor of this island, and of your readiness to concur in all measures necessary for its defence and security; and I assure you, that no attention shall be wanting on my part in co-operating with you, as well as towards its immediate defence in the present critical conjuncture, as for the establishment of its future happiness and prosperity.

This island, Gentlemen, has at all

times been distinguished, as well by its valour and activity in defence of its own liberty against the attacks of a potent and dangerous neighbour, as by its uniform fidelity and attachment to the Government of Great-Britain. I shall not fail on my return to express the peculiar satisfaction I have had in observing, that the present magistrates, as well as the other gentlemen in it, appear no less animated with the same laudable spirit, which did so much honour to their progenitors, and to make in every respect a faithful report of the state of it to his Majesty.

Whitehall, June 13, 1778.

The following is an extract of a letter from the Honourable General Sir William Howe to Lord George Germain, one of his Majesty's principal Secretaries of State, received by the Swallow packet, which arrived at Falmouth the 10th instant from Philadelphia:—

Philadelphia, May 11, 1778.

My Lord,

I have the honour to inform your Lordship of Sir Henry Clinton's arrival here on the 8th instant; and that, in consequence of his Majesty's permission to return to England, I shall delay my departure no longer than is necessary to surnish my successor with the orders and instructions with which I have been honoured, and with every further information that I can conceive may be of advantage or use to the service.

Since the earliest return of spring, a succession of detachments from hence has ranged the country for many miles round this city, and in the province of Jersey, to open the communication for bringing in supplies, to relieve the peaceable inhabitants from the persecution of their oppressors, and to collect forage for the army. These detachments have, without exception, succeeded to my expectations, greatly to the credit of

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the troops employed to the annoyance of the enemy, and to the advantage of his Majesty's service. Colonel Mawhood in particular, with three battalions and a Provincial corps, made a descent on the coast of Jersey, near Salem, in the month of March; and, after dispersing the force collected in that part of the country, returned with a very seasonable supply of forage.

To the skill and activity of Lieutenant-colonel Abercromby, must be attributed a fuccessful surprize, made on the 4th inflant, upon a corps of the enemy, confishing of 900 men, under the command of a Brigadiergeneral, posted about 17 miles from hence, with 400 light infantry, 300 rangers, and a party of light dragoons; that officer attacked and defeated this corps of the enemy, killing, wounding, and taking 150 men, including officers, with the loss of only 9 wounded. The route would have been far more complete, if the long march of the infantry, in effecting this furprize, had not disabled them from a vigorous pursuit.

I have equal pleasure in reporting to your Lordship the good conduct and fuccess of Major Maitland, who was detached the 7th instant with the 2d battalion of light infantry in flat boats, attended by three gallies and other armed boats, under the command of Captain Henry of the navy. His orders were to proceed up the Delaware, and destroy all the ships and vessels lying in the river between this and Trenton. The inclosed account of his expedition will prove how effectually this enterprize was executed, and the very confiderable loss the enemy have sustained.

Two posts are taken on the Jersey side of the Delaware, at Cooper's-ferry and at Billing's-port; the sirft to cover parties cutting wood for the suture supply of the troops, the latter to secure the navigation of the Delaware in a narrow part of the channel.

I have the honour to be, &c.

W. Howz.

REPORT.

On the night of the 7th instant, at eight o'clock, I embarked with the 2d battalion of light infantry, and proceeded up the Delaware in the flat boats, commanded by Captain Henry of the navy, and landed at about ten next morning at Whitehill, where the rebels appeared in force, both horse and foot, but chiefly horse: as soon as our three pounders were landed, I advanced towards Borden-town, two miles distant. The rebels still kept in front, and, at a creek, where I was obliged to pass by a dam, part of which was wood, they made a stand, having a field-piece with them, and attempted to break down the dam to prevent my pasfage; but the battalion pushing on with their usual alacrity, they were not able to effect this, and a warm fire enfuing, they abandoned their field-piece, having only fired it once. We pushed and drove them from five guns they had in town, which were disposed in such manner as to prevent shipping coming up the river. The rebels left fourteen dead on the fpot. In this town we destroyed four store-houses, containing provisions of all species, a very large quantity of tobacco, some military stores, and camp equipage; 'the fire accidentally communicating from the stores to Mr. Burden's house (a Colonel in the rebel service) it was consumed, together with the furniture. 4

The rebels alarmed the country. and collected a strong body at Trenton, where it appears they apprehended I would direct my march; I was willing to confirm them in their opinion, and therefore moved a little that way; then re-embarked and crossed to the Pennsylvania shore, when I took post so as to cover the naval force. Early next morning we proceeded to Biles Island Creek; and burnt some valuable vessels belonging to the rebels, particularly two ships loaded with tobacco, rum, and military flores. About 'two o'clock c'clock the battalion marched for Bristol (thirteen miles distant) where they arrived at five in the evening, burnt what vessels were there belonging to the enemy, and embarked by

fun-let.

Upon the whole, this expedition has been very fatiguing to the troops, but must in its consequence be extremely distressing to the rebels, as their magazines and ships upon the river are totally destroyed. The annexed list will inform you of their number and quality.

The gallies being funk in deep

water could not be injured.

In justice to Captain Henry and the seamen employed on this expedition, and to the battalion under my command, I must say they behaved with such spirit and alacrity as cannot fail to do them honour, and I stater myself has merited the General's approbation.

(Signed) JOHN MAITLAND, Major-comm. L. I.

Philadelphia, May 11, 1778.

List of ships, vessels, &c. burns on
the 8th and 9th instant.

2 Frigates, one for 32 guns, the other for 28.

9 Large ships.

3 Privateer floops, for 16 guns each.

3 Ditto, for 10 guns each.

23 Brigs, with a number of floops and schooners.

(Signed) JOHN MAITLAND, Major-comm. 2 L. I.

Admiralty-Office, June 13, 1778. The letter from Lord Viscount Howe, Commander in Chief of his Majesty's ships and vessels in North-America, to Mr. Stephens, of which the following is a copy, was this day received by the Swallow packet-boat from Philadelphia:

Eagle, off Billing-port, May 10, 1778.

Upon advice received, that the enemy had advanced four armed gallies down the Delaware, between

Borden-town and Bristol, a detach, ment of the light infantry, under the command of Major Maitland of the marines, were embarked in the stat-boats, and with the gallies and armed vessels of the steet, under the chief command of Captain Henry, sent up the river in the night of the 6th instant, to intercept the enemy's gallies, and bring down or destroy such of their frigates and other vessels as had been withdrawn above the shoaler passages of the river, when the troops first took possession of Philadelphia.

The inclosed report of Captain Henry's judicious conduct in the execution of his orders, contains all the particulars I have to communicate to the Lords Commissioners of the Admiralty, on the subject of that mate-

rial operation. I am,

With great confideration,
Your most obedient humble servant,
Hows.

PHILIP STEPHENS, Esq. Secretary of the Admiralty.

Report from Captain HENRY. At ten o'clock on Thursday night the 6th of May, the Hussar, Cornwallis, Ferret and Philadelphia gallies, with the Viper and Pembroke armed schooners, 4 gun-boats, and 18 flat boats, in which the second battalion of light infantry, with two field-pieces, were embarked, proceeded from Philadelphia up the River Delaware. The wind being downthe river, with much rain, and the ebb making, when we had proceeded twelve miles we came to an anchor. and fo remained till five o'clock the next morning; we then got under way, and sailed up the river. noon we were a-breast of White-hill. where the gallies, armed vessels, and gun-boats, were placed to cover the landing of the troops, which was performed without opposition. At this place the Washington and Essingham rebel frigates (the former pierced for thirty-two and the latter for twentyeight guns) were fet on fire and con-

fumed.

furned, together with a brig and and floop. The troops then marched, took possession of Borden-town, and destroyed a battery of 3 six-pounders; whereupon the gallies, armed vefsels, &c. proceeded to that place, where they burnt two new thips, one of which was pierced for 18 guns, one privateer floop for 10 guns, with ten fail of brigs, schooners, and floops; feveral store-houses, containin provisions, artillery stores, campequipage, and fome tobacco, were burnt at the same time. This service being executed, the boats proceeded up Crosswell-creek, and set fire to the Sturdy Beggar privateer, pierced for 18 guns, and eight fail of brigs, floops and schooners. The troops were then embarked, and landed on the Pennsylvania side, where they rested that night.

At five on Saturday morning the Hustar and Ferret gallies, gun-boats, &c. rowed up to Biles Island Creek, and burnt one new schooner, pierced for 14 guns, one new floop for 16 guns, one old schooner for 10 guns, one old large floop for 16 guns, and

two large new floops.

The rebel gallies in Watfon'screek, on the Jersey shore; being reconnoitred, were found funk and hid at low water.

At noon the troops marched to Briftol, first burning two sloops at the ferry; and the gallies, gun-boats, and flat boats, proceeded down the river to embark there, which was done at fix o'clock in the evening, after burning a ship and brig at that place. The Philadelphia galley, Viper and Pembroke armed schooners, with two gun-boats, burnt the remaining veilels, confisting of four new ships, one new brig, and an old schooner.

The whole number of vessels de-

flroyed was forty-four fail.

At fix o'clock on Sunday morning the troops arrived at Philadelphia, without losing one man.

During this expedition up the Delaware, iome houses were unfortunately burnt, very contrary to the directions and fentiments of the officers employed on this fervice.

(Signed) JOHN HENRY.

London Gazette.

Copy of a letter from Colonel MAW-HOOD, who commanded the detachment into the Jersies, to Colonel HAND, of the American forces in

the Terfies.

" Colonel Mawhood commanding a detachment of the British army at Salem, induced by motives of humanity, proposes to the militia of Quinton-bridge, and the neighbourhood, as well officers as private men, to lay down their arms, and departeach man to his own home: on that condition he folemnly promifes to re-embark his troops without delay, doing no further damage to the country, and he will cause his Commissaries to pay for the cattle, hay, and corn, that have been taken, in sterling money.

" If, on the contrary, the militia should be so far deluded, and blind to their own interest and happiness, he will put the arms which he brought with him into the hands of the wellaffected inhabitants, called Tories, and will attack all fuch of the militia as remain in arms, burn and destroy their houses and other property, and reduce them, their unfortunate wives and children, to beggary and diffres; and to convince them that those are not vain threats, he has subjoined a list of the names of such as will be the first objects to feel the vengeance of the British nation.

Given under my hand at Headquarters at Salem, the twenty-first day of March, 1778.

C. Mawhood, Colonel.

Edmund Keefby, Edward Hall, Tho. Sinnickson, Samuel Dick, Whitten Crips,

John Bowen, Tho. Thompson, Geo. Trenchard, Ebenezer Howell, Elisha Castle,

Andrew

And. Sinnickson, William Shute,
Nicholson Keen,
Jacob Crusty,
Benjamin Holms,
The following is Colonel Hand's anfiver to the above.

Sir.

" I have been favoured with what you fay humanity has induced you to propose, It would have given me much pleasure to have found, that humanity had been the line of conduct of your troops since you came to Not only denying quarter, Salem. but butchering our men who furrendered themselves prisoners in the skirmish at Quinton's-bridge last Thursday, and bayonetting yesterday morning at Hancock's-bridge, in the most cruel manner, in cold blood, men who were taken by surprize, in a fituation in which they neither could, or did attempt to make any refistance, and some of whom were not fighting men, are instances too shocking for me to relate, and, I hope, for you to bear-the brave are ever generous and humane. After expressing your fentiments of humanity, you proceed to make a request which I think you would despise us if we complied with. Your proposal, that we should lay down our arms, we absolutely reject: we have taken them up to maintain rights which are dearer to us than our lives, and will not lay them down till either success has crowned our cause with victory, or, like many ancient worthies contending for liberty, we meet with an honourable death.

"You mention, that if we reject your proposal, you will put arms into the hands of the Tories, against us; we have no objection to the measure; for it would be a very good one, to fill our arsenal with arms. Your threats to wantonly burn and destroy our houses, and other property, and reduce our wives and children to beggary and distress, is a sentiment which my humanity almost forbids me to recite, and induces me to ima-

gine that I am reading the cruel order of barbarous Atilla, and not a gentleman's brave, generous, and polished, with a genteel European To wantonly deftroy, education. will injure your cause more than ours; it will encrease your enemies, and our army. To destine to destruction the property of our most distinguished men, as you have done in your proposals, is, in my opinion. unworthy a generous foe, and more like a rancourous feud between two contending Barons, than a war carried on between one of the greatest powers on earth, against a people nobly struggling for liberty-a line of honour would mark out, that those men should share the fate of their If your arms should be country. crowned with success, which God forbid, they and their property will be entirely at the disposal of your Sovereign. The less of their property, while their persons are out of your power, will only make them desperate, and, as I said before, encrease your foes and our army; and retaliation upon Tories and their property is not entirely out of our power. Be assured that these are the sentiments and determined resolutions not of myself only, but of all officers and private men under me.

"My prayer, Sir, is, that this answer may reach you in health and

great happiness.

"Given at Head-quarters at Quinton's-bridge, the twenty-second day of March, 1778.

ELIJAH HAND, Colonel.

To. C. Mawhood, Colonel.

New-York, May 7. On the receipt of the two Conciliatory Bills from England, Governor Tryon ordered them to be published in the New-York papers feveral times, to which he added the following:

"I do hereby certify, that the foregoing drafts of bills are true copies of the enclosures sent me in a dispatch by the Right Honourable Lord

George

George Germain; one of his Majesty's Principal Secretaries of State.

"His Majesty having seen with great concern the calamitous confeguences of the dispute, with the Colonies, and willing to hope that even those who have been most forward in bringing on those misfortunes, are now convinced of the fatal tendency of their conduct, and would gladly return to their allegiance, if they were not witheld by apprehensions that advantage would be taken of their submission, to pursue measures dictated by refentment of their past behaviour, and to impose upon the Colonies intolerable burthens and restraints: to remove all grounds of fuch apprehensions, and to prepare the way to the return of peace, the above bills were read in the House of Commons, on the 10th day of Februa ary last, in pursuance of an unanimous resolve of that House, of the 7th of the fame month; and I have his Majesty's command to cause them to be printed and dispersed, that the people at large may be acquainted with their contents, and of the favourable difposition of Great Britain towards the American Colonies. Given under my hand at New-York, this 15th day of April, 1778.

WILLIAM TRYON."

In Congress, November 8, 1777.

Resolved. That Major-general Heath be directed forthwith to cause to be taken down the name and rank of every commissioned officer, and the name, former place of abode, occupation, fize, age, and description of every non-commissioned officer and private soldier, and all other persons comprehended in the Convention, made between Lieutenant-general Burgoyne, and Major-general Gates, on the 16th of October, 1777, and transmit an authentic copy thereof to the Board of War, in order that if any officer, foldier, or any other perfon as above-mentioned, of the faid army, shall hereaster be found in arms against these States in North America, during the present contest; he may be convicted of the offence, and suffer the punishment in such case inslicted by the law of nations.

That Major-general Heath be directed to take the parole in writing of the officers; according to the Convention, and transmit authenticated copies of such paroles to the Board of War.

November 22. The Committee to whom were referred the return of ordnance and stores, taken from the enemy fince the 19th day of September, and the letter from the Council of Safety of New-York, and to whom their former report was recommitted, having taken the fame into consideration, beg leave to observe:

"That there is no mention in the faid return of standards, military

chest, medicines, or tents.

"That the quantity of powder is very fmall, being only fifteen barrels grained, and two barrels mealed, and the quantity of fixed ammunition very inconsiderable. That the muskets amount only to 4647, a number not equal to the prisoners who furrendered agreeable to the Convention of Saratoga, and all these muskets are returned " unfit for fervice." That there are only 638 cartouch boxes. That the number of bayonets is greatly inferior to the muskets, and these as well as the cutlasses, are returned "without scabbards" or belts. In short, the whole return seems very inadequate to a well-appointed army, and to what might be expected from the answers returned by Lieutenant. general Burgoyne to the first propositions made by Major-general Gates.

"Your Committee therefore are of opinion, that an enquiry ought to be made into the causes of this defi-

ciency." Whereupon,

Refolved, that the President immediately send an express to General Gates, and desire answers to the following questions, viz.

What

What is become of the standards belonging to the respective regiments in General Burgoyne's army?

Where is the military chest and

medicines?

What is become of the carrouch

How comes the quantity of powder and cartridges to be fo small?

How comes it that the number of muskets is less than that of the prifoners, and that all the muskets are unfit for service?

How comes the number of bayonets to be so greatly inserior to that of muskets?

Where are the scabbards and belts

of the bayonets and cutlasses?

Was there any destruction, waste, removal or concealment, of the arms, tents, colours, treasure, or other military stores belonging to General Burgoyne's army, from the time the first proposal was made on the 13th of October to the time of surrender?

What was the state and condition of the arms and military stores when

received by General Gates?

Were the arms piled agreeable to the articles of the Convention? If they were not, did any damage neceffarily accrue in confequence of the failure?

And that General Gates be directed to make the necessary inquiries, and return his answers to Congress as

foon as possible.

Refolved, That it is not to be understood that the embarkation of the troops under Lieutenant-general Burgoyne, is in any wise to be delayed, on account of the foregoing queries, if transports arrive before the answers are returned, and the enquiry directed is finished.

Dispatch from Lieutenant-general BURGOYNE to the President of the Congress. 1st and 2d letter.

> Cambridge, February 11, 1778. Sir.

Having received from Major-general Heath, on the 4th inflant, Mi-Vol. VI.

nutes of the report of a Committee of Congress, and considerations and refolves subsequent thereupon, dated January the 8th, 1778, I think myfelf called upon by public and private honour to offer a reply to such parts as regard my personal conduct, together with other matters arising from the explanation of sasts.

My state of health, and the anxieties of my situation, occasioned by some extraordinary occurrences here, render me very unsit for the undertaking; but I chose rather to hazard it in an impersect state, than to procrastinate in a circumstance that seems to me big with the most important consequences; and I commit the subsequent paper, Sir, to your hand, as the channel that I conceive to be most proper to lay it speedily before

the Congress.

The first article in the proceedings referred to states, "That numbers of the cartouch-boxes, and several other articles of military accoutrements, annexed to the perfons of the noncommissioned officers and soldiers in General Burgoyne's army, have not been delivered up, and that agreeable to the spirit of the Convention, and the technical interpretation of the word "arms," they ought to have been delivered up;" and the refolves arising from this article of the report expresses, "That as many of the cartouch-boxes, and feveral other articles of military accourrements, annexed to the persons of the noncommissioned officers and soldiers included in the Convention of Saratoga, have not been delivered up, the Convention, on the part of the British army, has not been strictly complied with." I defire to refer in this matter to the recollection of General Gates, and I rely upon his justice to vindicate my affertion, that neither cartouch-boxes, nor any other article of accoutrements, agreeable to the spirit of the Convention, or the "technical," or possible interpretation. pretation, could come under the word " arms." were refused to be delivered up, or clandeflinely carried away, the cartouch-boxes, viz. thofe that are technically interpreted arms, or military stores, because delivered from the Tower of London with every new fet of firelocks and bayonets, were by most regiments left in Canada, as less convenient than pouches: the cartouch-boxes that remained were only those of the light infantry companies; several of them were acthally deposited with the arms; and the very few others were carried away under the eyes and with the know-

ledge of General Gates.

The Congress having dwelt particularly upon this charge, both in the report and the resolve. I trust I am justifiable in pressing further upon their attention the report of the officer who carried a meflage to the troops, in confequence of a conversation between General Gates and Major-general Phillips, No. I. which clearly demonstrates the first sense General Gates entertained of the whole transaction; and the report of Lieutenant-colonel Kingston, the Deputy Adjutant-general, No. II. which refers to the time when the troops passed by General Gates on their march, with all their accourrements upon their backs, some hours after the above message, makes the Generai's participation, confent and approbation, after reflection, equally evident.

The Committee, in the next article, mention, "other circumstances attending the delivery of the arms and military stores, which excite strong suspicions that the Convention shas not been strictly complied with on the part of General Burgoyne, agreeable to its true spirit, and the intention of the contracting parties."

The Congress will be too just to lay any centure upon me for not antiwering an allegation propounded in fuch general teams, and the objects

of which I do not comprehend. As listle is it in my power to conceive the objects alluded to by the words of the same paragraph, "former frauds in the conduct of our enemies." My consternation in sinding the British honour in treaties impeached, is the only sentiment I can express upon the subject.

The Committee proceed to state as a necessary measure for securing the performance of the Convention, "the resolutions of Congress of the 8th of November last, directing General Howe to cause to be taken down the names and rank of every commissioned officer, and the name, former place of abode, occupation, size, age, and description of every non-commissioned officer, private soldier, and all other persons comprehended in the Convention of Saratoga."

It might be thought improper in me to renew the arguments used in my letter to Major-general Heath, dated November the 23d, which has been already under the confideration of the Congress, and upon which they have decided, respecting the imposing new conditions, by insisting upon the descriptive list; but I am under the necessity of representing, that the Committee have not attended to the words of my letter, when they observe, " I am totally mistaken in my appeal." I do not mean to deny that the prisoners names, countries and towns, were taken down in Canada. I always knew they were. and for this plain reason, that they bound themselves to return to Caenada upon a demand, and it wes therefore necessary to know their abedes.

The Committee do not state that descriptive lists were taken, and I believe them too accurate to have omitted a circumstance so material to make the cases parallel; but were it otherwise in any instances to which I have been a stranger in Canada, I venture still to persevere in my afferman.

eions, that in those instances where I was present, descriptive lists were not made at all, nor any lists or fignatures proposed upon suspicion of public saith, or any other ground than that above specified, of ascertaining the prisoners, and the place where they were to be found, in case it should he judged expedient to recall them.

It will be for the candour and inftice of the Congress to consider, that in my letter to Major-general Heath, dated November the 23d, my refusal -was founded folely on this idea, that the application was dishonourable and unprecedented; and as a further proof that the Committee have placed this refusal in a point of view more alarming than it deserves, I beg leave to refer the Congress to other letters which passed between General Heath and me upon this fubject (No. III. and IV.) and they will find that when a procedent was produced, I only required time to convince myself the parallel held; and though, from an unhappy affair, to which my time has been necessarily devoted, and the period for the delivery of fuch lifts not pressing, I with-held my final answer. I am persuaded General Heath, and those of his officers with whom I have conversed upon the subject, plainly faw I meant to comply upon the precedent, as stated in his letter of the 21st of January.

I confess, Sir, that feeling for the honour of Sir Guy Carleton, who commanded in Canada at the time, es every man does who knows him, I find it impossible to leave unnoticed -the matter General Heath has thought proper to intermix with his precedent, in the letter referred to; and I take leave, for one moment's digression, to observe, that our own officers, of all ranks, in the land fervice, are allowed no more than three quarters of a ration on board any of our ships, nor is any distinction of ration made for our officers of any rank, it being supposed that they supply themselves, at their private expence, with different fare.

The Committee have thought proper to blend with their observation upon my refusal of descriptive lists, my former conduct, and more especially the consideration, "that nine days previous to this refusal, I had, without just cause given, declared, in a letter to General Gates, that the public faith, plighted in the Convention of Saratoga, was broken on the part of the States;" and great stress is laid, that my declaration was not dropped in a hasty expression, dictated by sudden passion, but is delivered as a deliberate act of judgment.

I am so unfortunate not to have preserved any copy of a letter stated to be of such serious consequence; but that very circumstance, joined to the conscions rectitude of my own intentions, is to myself a proof that it cannot bear the interpretation the Committee give it, if taken upon the general context.

I well remember that I meant to inform General Gates, that the treaty was not complied with in respect to the flipulation of quartering officers; and in whatever words I may have expressed that idea, though I do not retain them in my memory, I will venture to pronounce, that upon an impartial revision, and compared with attendant circumstances, they will be found to amount to no more than a call upon General Gates to see the complaint redressed.

To prove that such a call was warranted, I transmit herewith (No. V.) the reports of the British and German corps, both respecting the officers and the men, and to mark that I did not consider the article of the treaty, in this respect, in a rigorous sense, as the Committee suppose me to have done; but in the latitude they themselves give it upon the words "as far as circumstances would admit," I cannot sorbear to represent, that notwithstanding the concourse of X 4

firangers, the late devastation and destruction of the neighbourhood, and every other circumstance the Committee have been informed of, in extenuation of the treatment of the troops, circumstances did fully admit the accommodation of officers. There were, at the time of the above complaints, houses more than sufficient for the purpole; some of them, as I have been informed, under sequestration, and possessed only by tenants at will, over which the Council of the Massachusetts had, consequently, controul; others possessed by persons who would have been willing to receive officers, had they not been prevented by the Committee of Cambridge; and during this time, after being pressed into Cambridge through bad weather, inconvenience and fatique, without any preparation made to receive the superior officers, I was lodged in a miserable public-house; and, in ill health, obliged to partake with Major-general Phillips, two very small dirty rooms for ourfelves, our Aid-de-camps, and the Staff of the army then present, having been amused, from day to day, for near a fortnight, with the expectation of proper accommodations, I was only at last relieved by consenting to pay, upon a private bargain, a larger sum for an unfurnished house out of repair, than would have been required for a palace in the dearest metropolis of the world. And under these circumstances I wrote to General Gates. Had they been known to the Committee at the time they formed their report, they would probably have spared a sarcasin upon my letter, and have supposed I might have dropped a hasty and unguarded expression. Should any further refutation of this charge be thought necessary, I refer to the circumstances of the officers contenting to fign their parole after the date of my letter to General Gates, they having previously refused so to do, upon presumption that the

stipulations in regard to their quarters were abused. Upon the faith of General Heath, I made myself guarantee for the fulfilling of the treaty in the only part complained of; and the act of signing by a general concurrence, cannot but be looked upon as the fullest proof of confirmation and ratisfication on our part, and when considered, must obliterate every impression relative to our thinking ourselves absolved from our former compact.

The Committee not having professed to lay any stress on the attempt (as they think proper to term it) " to alter the place of embarkation, or on the feemingly inadequate number of vessels at Rhode-Island, or on the improbability of being able to victual the fleet and army for a voyage of fuch length." And the plan of this address being only to answer matter relative to myself, I might wave touching those subjects, but trust it will not be thought misplaced to remark, that General Pigot's letter, to which the Committee refer, mentions, that twenty-fix transports from the Delaware were off the harbour's mouth, at Rhode-Island, but no expression in the letter implies that the fleet was not to confift of more from New-York, or any other place; and in regard to the victualling, I not only pledge my own veracity, but that of the most high and reputable characters at Rhode-Island, that the fleet was fully victualled for four months, for the whole of the land army and feamen.

After these explanations and answers to the several charges contained in the Report, &c. I trust no words of so harsh a nature, as to imply a distrust of my personal honour, will be suffered to remain in the Journals, of Congress.

But should any doubt still subsist, that the idea of being released from the engagements of the Convention has been adopted by any part of the troops. troops, I am confident there is not an officer who will not join his fignature to mine, for a further pledge of faith, provided the suspension is immediately taken off; and animated by the most substantial principles of truth and honour, I propose to the Congress this last expedient within my power, to restore the mutual confidence of the contracting parties in the Convention of Saratoga, and to save at once Great Britain and America from yet more serious evils than we reciprocally endure in the prosecution of our unhappy contest.

Copies of the References.
No. I.

Report of Lieutenant Noble, acting Aid-de-camp to Major-general PHILLIPS.

In the course of conversation at Saratoga, October 17, 1777, I heard Major-general Gates say, that he did not mean to injure private property; and as the Colonels would fuffer by the loss of their accourrements, the foldiers might take them. I was the officer feat to the Commanding Officers to tell them, the foldiers were to keep their accourrements; they had taken them off with a defign to leave them behind, and upon my delivering the message, they put them on again. This was before dinner-Major-general Phillips and Major-general Gates were together.

(Signed)

WM. Noble, Lieut. 21 ft Reg.

No. II.

Conversation between Major-general
GATES and Lieutenant colonel
KINGSTON.

At the conversation of Saratoga, October 17, 1777, when the troops marched by with their accoutrements, General Gates asked me, if it was not customary for arms and accoutrements to go together.—Replying, that the accoutrements were the Colonels, and private property, General Gates

faid, Very true; they are your's as fuch, and because we have not mentioned them in the Convention.

(Signed)
ROBERT KINGSTON, D. A. G.

No. III.

Extract of a letter from General HEATH, dated January 21, 1778.

You are pleased to observe, that in regard to giving the names, viz. &c. &c. your opinion not being changed, you are under the necessity of referring me to your former letter upon that subject; but at the same time assure me, that if I will point out to you the instances I alluded to, where fimilar demands have been made by British officers, and complied with you will give the matter further consideration, and further answer, and then conclude, "that in Canada I know the case was directly the re-As your Excellency appears inclined to appeal to the conduct of the officers in Canada, I will give you an instance, and a recent one too. from that quarter, which I think will be fully fufficient without mentioning The American officers and others. foldiers, taken by the army under your command, at and near Ticonderoga, and fent down to Canada, are now returned home under parole; their treatment was as follows, which I have from a Captain Walcott, of Colonel Marshall's regiment: - When they got to Quebec, the officer gave their paroles, and directly after they were all fent on board the man of war indifcriminately with the privates; and were told by the officers on board, that they knew no difference between them, as they looked upon the Government that made them to be nothing; and before they were fent home, the following descriptions were taken of the soldiers. viz. their names, the province, country, and town, where they belonged to, age, fize, and complexion. Officers and men being intermixed together, gether, had two thirds of a ration per day, without distinction. After mentioning these instances, Sir, I hope you will have no further objection in complying with the requisition sent you for taking the descriptions of the groops of the Convention. I am,

Your Excelleney's

Most obedient servant,

W. HEATH.

Lieutenant-general Burgoyne.

No. IV.

Copy of a Letter from General Bur-GOYNE to Major-general HEATH, January 24, 1778. Sir,

I should have answered your letter, received the day before yesterday, sooner, but the business of the Court-Martial has taken up my whole time; the officers fusees have been ordered in; they will be fafely kept at my quarters, and I will be responsible for their not being returned to the officers while they remain here. These suscess are no part of the public stores; they are private property; if you make a point of their being given into your custody, I must beg a little time to reflect upon it. With regard to the other matter, concerning the personal descriptions of the troops, I must give it serious consideration, and I conceive the delay cannot be attended with any disappointment, as any time before the embarkation will equally answer the purpose for which you require it. I am, Sir,

Your most humble servant,
J. Burgoyng.

Major-general HEATH.

No. V.

Substance of the Remonstrances made to the General by the Commanding Officers of the troops of the Convention, foon after their arrival at Cambridge.

The dictates of humanity, as well as our duty, prompt us to lay be-

fore your Excellency our humble representation of the state of ourselves, and of the officers and soldiers under our command. We beg of your Excellency to interest yourself for us, and, by your remonstrances, to remedy the ill treatment which we now undergo, and of which we have but too much reason to complain.

According to one of the articles of the Convention, which your Excellency made with Major-general Gates, it was agreed, that the officers should be conveniently lodged, according to their different ranks. Instead of this article being suffilled, we are put into barracks, made of single boards; five, fix, and seven officers in one room, without any distinction of rank.

The foldiers barracks, in general, are so very bad, that the men are not sheltered from the cold, or rain, though they have offered themselves to repair their barracks, upon materials being delivered to them; they are twenty, and twenty-four in a room, three in a birth, are without candle, and scarce receive wood enough to cook their victuals, much less to warm their rooms.

These, but too well founded, complaints, occasion an universal discontent among the troops; desertion, and other serious consequences, for which we cannot be answerable, are much to be feared; we feel much less concerned for our own private convenience, than for that of the troops under our command.

We are too well convinced of your Excellency's goodness, to doubt a moment of this Remonstrance being taken into consideration. We are well assured, that you will insist upon, and obtain those advantages to which the Convention entitles the troops; we imagine they ought, in justice, to be put upon the same footing as in the winter 1775, when the British troops were in garrison in Boston.

We put our fate into the hands,

and

and under the protection of your Excellency, and have the honour to be, with the greatest respect, &c. &c.

Signed by the Brigadier-generals, and Officers commanding corps.

Sir,

Should the first letter, which my Aid-de-Camp will have the honour to deliver to you, fail in the intended effect of restoring the Convention of Saratoga to its original force, and the Congress adhere to their resolves of January 8th, I become subject to the dilemma of facrificing, probably my life, and vertainly much nearer interests, or to accept a passport for England, should the Congress think proper to grant it as matter of indulgence.

Principle and duty require me to avow that, did I conceive the cause of my King and Country to be involved, or the great question, upon the point of public faith, to be committed by my concession, these personal sacrifices should be made. But conscious that a request, founded upon individual and private concerns, cannot be prejudicial to the political interests or intentions of Great Britain; and perfuaded, that a compliance with them can as little affect the same considerations in America, I address myself to you, Sir, as the channel which I conceive to be the most proper, to lay before the Congress the following representations and application for relief:

My health, to which the climate of America was always averse, has lately declined by more than ordinary

degrees,

The symptoms of a complaint I have been subject to before, and to which the Bath waters have been found the only remedy, are daily increasing; and it is the opinion of my physician, as well as my own, that my life, under God, depends in a great measure upon that resource.

Accounts with the Treasury of

Great Britain, to great extent, and of a very complicated nature, lie open by reason of my absence; and my death before they are settled, might occasion much embarrassment, and great injury to my relations and friends.

These circumstances apply to the general principles of justice and humanity; another yet remains for

generous confideration.

By my detention in this country, I am deprived of every possible means to give an account of my actions; and my character stands exposed, after an intricate and unsucceisful campaign, to all the aspersions and erroneous interpretations, that the malevolent, the prejudiced, or the misinformed, may chuse to cast upon it.

Such hardships of situation, whether considered severally or collectively, will, I trust, carry a weight that no ardour of hossility, or other circumstance of these unhappy times, can

oppose.

In this confidence, and conscious of the favour I have repeatedly shewn to officers of the Continental troops, upon far less urgent exigencies, I ask of the Congress leave for myself, the officers of my family, whose names and ranks are transmitted herewith, and my fervants to return to England, by Rhode-island, New-York, or any other expeditious route the Congress shall appoint. I am ready to renew my obligations, if thought necessary, to all the stipulations of the Convention of Saratoga; and scorning to withdraw myself upon less reasons than life and honour, from any possible lot of my profession, I am willing to give a parole, that should the suspension of embarkation be by any means prolonged beyond the time apprehended, I will return to America upon demand of the Congress; and due notice given, re-deliver up my person into their power, and abide the common fate of my brethren in this army.

I am, &c. &c.

J. Burgoyne.

In Congress, November 27, 1777.
Resolved, That it be earnestly recommended of the several States, as soon as may be, to consiste and make sale of all the real and personal estate therein of such of their inhabitants, and other persons, who have forfeited the same, and the right to the protection of their respective States, and to invest the money arising from the sales in Continental loan-office certificates, to be appropriated in such manner as the respective States shall hereafter direct.

Extract from the Minutes, CHARLES THOMSON, Sec. Baltimore, February 17.

.In Congress, December 3, 1777. Whereas it is the uniform practice of our enemies, to purfue every measure which may tend to distract, divide, and delude the inhabitants of these States, to effect which purpose they have, amongst other arts, promoted affociations for supporting the credit of the public money, struck under the authority and fanction of the King of Great Britain, which associations are evidently calculated to fap the confidence of the public, in the Continental bills of credit, and in those issued by the authority of the respective States, and to furnish a medium, for carrying on a pernicious and traitorous commerce between the enemy and the citizens of these States:

"Refolved, That it be earnessly recommended to the legislative authorities of the respective States, forthwith to enact laws, requiring all persons within their respective States, who may be possessed of any bills of credit, struck under the sanction and authority of the King of Great Britain, or on or before the 19th of April, 1775, forthwith to deliver in the same to a commissioner or commissioners, for that purpose to be appointed in each county of the respective States, authorising such commissioner or commissioners, to give

in exchange for any sum so paid in, Continental money, or bills of credit of their respective States, and to declare in the laws so to be enacted, that all bills of credit under the description above-mentioned, which shall not be so delivered in, within such reasonable time as the respective States shall for such purpose limit, shall henceforth become irredeemable.

Extract from the Minutes, Published by order of Congress, Charles Thomson, Sec.

In Congress, December 8, 1777.
Whereas it is of the greatest importance that Congress should, at this critical juncture, be well informed of the state of affairs in Europe. And whereas Congress have resolved, that the Honourable Silas Deane, Esq. be recalled from the Court of France, and have appointed another Commissioner to supply his place there.

Ordered, That the Committee for foreign affairs write to the Honourable Silas Deane, and direct him to embrace the first opportunity of returning to America, and upon his arrival, to repair with all possible dispatch to Congress.

Extract from the Minutes, CHARLES THOMSON, Sec. (Copy)

In Congress, February 3, 1778. Refolved, That every officer, who holds or shall hereafter hold a commission or office from Congress, shall take and subscribe the following oath or affirmation:

"I do acknowledge the United States of America, to be free, independent, and Sovereign States, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain; and I renounce, refuse, and abjure any allegiance or obedience to him; and I do swear (or affirm) that I will to the utmost of my power support, maintain, and detend the said United States, against the said King

King George the Third, his heirs and successors, and his and their abettors, affiftants and adherents, and will ferve the faid United States in the office of which I now hold. with fidelity, according to the best of my skill and understanding. So help me God."

That all officers of the army shall take and subscribe the foregoing oath or affirmation, before the Commander in Chief, or any Major-general or

Brigadier-general.

That all officers of the navy shall take and subscribe the same before one of the Commissioners of the Navy Boards, or before a Judge or Justice of the Peace of the State, wherein they respectively reside, or shall receive their commissions or warrants.

That all persons holding any civil office of trust or profit, under the Congress of these United States. shall take and subscribe the said oath or affirmation before a Judge or Justice of the Peace of the State wherein

they respectively reside.

That every officer having the difposal of public money, or who is or shall be intrusted with the charge or distribution of public stores, shall at the time of taking and subscribing the foregoing oath or affirmation, also take an oath or affirmation of office in the following words:

do swear (or affirm) that I will faithfully, truly and im-

partially execute the office of

to which I am appointed, and render a true account, when thereunte required, of all public monies by me received or expended, and of all stores or other effects to me intrusted, which belong to the United States, and will in all respects discharge the trust reposed in me with justice and integrity, to the best of my skill and understanding.

That every officer, taking the foregoing oaths or affirmations, or either of them, shall obtain from the person administering the same, duplicate cer-

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tificates, specifying the time of his taking it of them, and also his name,

and rank or employment.

That every military officer shall deliver or transmit one of the certificates fo obtained, to the Commander in Chief, or the Commander of a department, or to fuch person, as by general orders shall be appointed to receive the same; and the said Commanding Officers shall cause the certificates so received to be sent to the Secretary of Congress, and shall keep an exact list of the names of all officers. whose certificates shall be received and forwarded, together with their feveral ranks, and the times of their being qualified.

That every officer in the navy shall deliver or fend one of the certificates by him obtained to the Navy Board most convenient, who are required to transmit the same, and also a certificate of their own qualifications, to the Marine Committee, as foon as

conveniently may be.

That every other person employed in any civil department or office as above-mentioned, shall fend or deliver one of the certificates by him obtained to the Secretary of the State to which he belongs, or to fuch other person or persons, as the Governor or President of fuch State shall direct. Governors or Presidents of the several States are hereby requested to attend to this matter, and to cause the certificates, when received, to be tranfmitted to the Secretary of Congress.

That each deponent or affirmant shall retain and keep the other certificate, by him obtained, as a voucher of his having complied with what is

hereby enjoined him.

Resolved, That every officer, civil or military, now in office, shall take and fubscribe the qualification above. directed, within twenty days after notice hereof; and every person hereafter appointed to any office, by or under the authority of the Congress of the United States of America, fhall

shall take and subscribe the same, previous to his acting in such office: and every officer who shall continue or presume to exercise any commission, civil or military, under the authority of the Congress of the United States of America, without taking the qualification in time and manner above directed, shall be cashiered, and forseit two months pay to the use of the United States of America, and be rendered incapable of serving in the army of the said States, and of executing thereafter any office under Congress.

And whereas many persons, employed as Deputy or Assistant Commissaries or Quarter-massers, or in other civil departments, are dispersed in various parts of the continent, over whom neither Congress nor the head of their respective departments can have the immediate inspection,

Refolved, That it be recommended to the legislative and executive authority of every State, to take effectual measures for preventing any perfon, within their State, from exercifing any office in the civil department of the army, or in any other civil department under Congress, who shall not, when thereunto required by any magistrate, produce a legal appointment to that office, and a certificate of his having taken the foregoing oaths or affirmations, or who thall neglect or refuse to take and subscribe the said oaths or affirmations within the time above limited.

Resolved, That the resolutions passed the 21st day of October, 1776, prescribing the form of an oath or affirmation, and directing the same to be subscribed by officers holding commissions, or offices from Congress, be and they are hereby repealed.

Extract from the Minutes,

CHARLES THOMSON, Sec. In Congress, March 2, 1778.

Whereas it is essential to the operations of the army, during the next campaign, that the most vigorous

measures should forthwith be adopted for forming a body of horse, upon fuch principles as are most likely to advance the public interest, and the honour of the officers and men who compose the same: and whereas in time of public danger, when the lives, liberty and property of a free people are threatened by a foreign and barbarous enemy, it is the duty of those, who enjoy, in a peculiar degree, the gifts of fortune, and of a cultivated understanding, to stand forth in a difinterested manner in the defence of their country, and by a laudable example to rouse and animate their countrymen to deeds worthy of their brave ancestors, and of the facred cause of freedom.

Refolved, That it be earneftly recommended to the young gentlemen
of property and spirit in the States of
New-Hampshire, Massachusetts-Bay,
Rhode-Island, Connecticut, NewYork, New-Jersey, Pennsylvania,
Delaware, Maryland, Virginia, and
North-Carolina, forthwith to constitute within their respective States, a
troop or troops of light cavalry, to
serve at their own expence (except in
the article of provision for themselves,
and forage for their horses) until the
31st of December next.

That each troop so to be raised consist of not less than twenty, nor more than fixty rank and sile; that they have a right to choose their own officers, who shall receive Continental commissions, and that they rendezvous at the main army, on the first day of May next, or at an earlier period, if possible.

That in order to excite a proper spirit of emulation in these troops, and to give them an opportunity of appropriating that same, which their respective merits may entitle them to, during the campaign, each troop shall bear the name of the State in which it is raised.

That these troops, when raised, shall not serve as expresses, except in time

time of action, nor as escorts to the person of any General, except that of the Commander of the army with whom they serve, unless with their own choice.

That every horse which shall be killed, and every horse and all arms and accoutrements which shall be taken, by the enemy in action, shall be paid for by the United States; the value to be ascertained under the direction of the Commander in Chief; and all booty taken from the enemy shall belong to the troop by whom it shall be taken.

Resolved, That it be recommended to the Government of the respective States, to countenance and encourage this design; and that the Board of War transmit to them forthwith copies of the foregoing resolutions, together with a descriptive list of the accountements necessary for man and horse.

Extract from the Minutes, CHARLES THOMSON, Sec. In Congress, April 22, 1778.

The Committee to whom was referred the General's letter of the 18th, containing a certain printed paper, sent from Philadelphia, purporting to be the draft of a Bill for declaring the intentions of the Parliament of Great-Britain, as to the exercise of what they are pleased to term their right of imposing taxes within these United States; and also the draught of a Bill to enable the King of Great-Britain to appoint Commisfioners, with powers to treat, confult, and agree upon the means of quieting certain disorders within the said States, beg leave to observe,

That the faid paper being industriously circulated by emissaries of the enemy, in a partial and secret manner, the same ought to be forthwith printed for the public information.

The Committee cannot ascertain, whether the contents of the said paper have been framed in Philadelphia or in Great-Britain, much less whether the same are really and truly intended to be brought into the Parliament of that kingdom, or whether the said Parliament will confer thereon the usual solemnities of their laws. But are inclined to believe this will happen, for the following reasons:

1st. Because their General hath made divers feeble efforts to set on foot some kind of treaty during the last winter, though, either from a mistaken idea of his own dignity and importance, the want of information, or some other cause, he hath not made application to those who are invested with a proper authority.

adly. Because they suppose, that the fallacious idea of a cessation of hostilities will render these States remis in their preparations for war.

3dly. Because, believing the Americans wearied with war, they suppose we will accede to their terms for the sake of peace.

4thly. Because they suppose that our negociations may be subject to a like corrupt influence with their debates.

5thly. Because they expect from this step the same effects they did from what one of their Ministers thought proper to call his conciliatory motion, viz. that it will prevent foreign powers from giving aid to these States; that it will lead their own subjects to continue a little longer the present war; and that it will detach some weak men in America from the cause of freedom and virtue.

6thly. Because their King, from his own shewing, hath reason to apprehend that his sleets and armies, instead of being employed against the territories of these States, will be necessary for the desence of his own dominions. And,

minions. And,
7thly. Because the impracticability
of subjugating this country, being
every day more and more manifest,
it is their interest to extricate themselves from the war upon any terms.

The Committee beg leave farther Y 2 to

to observe, That upon a supposition the matters contained in the said paper will really go into the British statute book, they serve to shew, in a clear point of view, the weakness of the enemy. Their Weakness,

1st. Because they formerly declared, not only that they had a right to bind the inhabitants of these States in all cases whatsoever, but also that the said inhabitants should absolutely and unconditionally submit to the exercise of that right. And this submission they have endeavoured to exact by the sword. Receding from this claim therefore, under the present circumstances, shews their inability to enforce it.

2dly. Because their —— hath heretofore rejected the humblest petitions of the representatives of America, praying to be considered as subjects, and protected in the enjoyment of peace, liberty, and safety, and hath waged a most cruel war against them, and employed the savages to butcher innocent women and children. But now the same —— pretends to treat with those very representatives, and grant to the arms of America, what he resused to her prayers.

3dly. Because they have uniformly laboured to conquer this continent, rejecting every idea of accommodation proposed to them, from a confidence in their own strength. Wherefore it is evident, from the change in their mode of attack, that they have lost this confidence. And,

4thly. Because the constant language, spoken not only by Ministers, but by the most public and authentic acts of the nation, hath been, that it is incompatible with their dignity to treat with the Americans while they have arms in their hands. Notwithstanding which, an offer is now about to be made for treaty.

The wickedness and infincerity of the enemy appear from the following confiderations: iff. Whether the Bills now to be passed contain a direct or indirect cession of a part of their former claims, or they do not. If they do, then it is acknowledged that they have facrificed many brave men in an unjust quarrel. If they do not, then they are calculated to deceive America into terms, to which neither argument before the war, nor force fince, could procure her assent.

2dly. The first of these Bills appears, from the title, to be a declaration of the intentions of the British Parliament concerning the exercise of the right of imposing taxes within these States; wherefore, should these States treat under the said Bill, they would indirectly acknowledge that right, to obtain which acknowledgment, the present war hath been avowedly undertaken and prosecuted on the part of Great-Britain.

3dly. Should such pretended right be so acquiesced in, then, of consequence, the same might be exercised whenever the British Parliament should find themselves in a different temper and disposition; since it must depend upon those, and such like contingencies, how far men will act according to their former intentions.

4thly. The faid first Bill, in the body thereof, containeth no new matter, but is precisely the same with the motion before-mentioned, and liable to all the objections which lay against the said motion, excepting the following particular, viz. that, by the motion, actual taxation was to be suspended as long as America should give as much as the said Parliament might think proper: whereas, by the proposed Bill, it is to be suspended as long as future Parliaments continue of the same mind with the present.

5thly. From the second Bill it appears, that the British King may, if he pleases, appoint Commissioners to treat and agree with those whom they please, about a variety of things therein

therein mentioned. But such treaties and agreements are to be of no validity without the concurrence of the faid Parliament, except so far as they relate to the suspension of hostilities, and of certain of their Acts, the granting of pardons, and the appointing of Governors to these sovereign, free, and independent States: wherefore the faid Parliament have reserved to themselves, in express hwords, the power of fetting aside any fuch treaty, and taking the advantage of any circumstance which may arise, to subject this continent to their ufurpations. 🗽

6thly. The faid Bill, by holding forth a tender of pardon, implies a criminality in our justifiable resistance, and consequently to treat under it would be an implied acknowledgment, that the inhabitants of these States were, what Britain hath de-

clared them to be, Rebels.

7thly. The inhabitants of these States being claimed by them as subjects, they may infer, from the nature of the negociation now pretended to be set on foot, that the said inhabitants would of right be afterwards bound by such laws as they should make: wherefore any agreement entered into on such negociation, might, at any future time, be repealed. And

8thly. Because the said Bill purports, that the Commissioners therein mentioned may treat with private individuals: a measure highly derogatory to the dignity of national cha-

racter.

From all which it appears evident to your Committee, that the faid Bills are intended to operate upon the hopes and fears of the good people of these States, so as to create divisions among them, and a defection from the common cause, now, by the blessing of Divine Providence, drawing near to a favourable issue. That they are the sequel of that insidious plan, which, from the days of the Stamp

Act down to the present time, hath involved this country in contention and bloodshed. At that, as in other cases so in this, although circumstances may force them at times to recede from their unjustifiable claims, there can be no doubt but they will, as heretofore, upon the first favourable occasion, again display the lust of dominion, which hath rent in twain the mighty empire of Britain.

Upon the whole matter, the Committee beg leave to report it as their opinion, that as the Americans united in this arduous contest upon principles of common interest, for the defence of common rights and privileges, which union hath been cemented by common calamities, and by mutual good offices and affection, fo the great cause for which they contend, and in which all mankind are interested, must derive its success from the continuance of that union. Wherefore any man or body of men, who should presume to make any separate or partial Convention or agreement with Commissioners under the Crown of Great Britain, or any of them, ought to be confidered and treated as open and avowed enemies of these United

And farther, your Committee beg leave to report as their opinion, that these United States cannot with propriety hold any conference or treaty with any Commissioners on the part of Great Britain, unless they shall, as a preliminary thereto, either withdraw their sleets and armies, or else, in positive and express terms, acknowledge the independence of the said states.

And inafmuch as it appears to be the defign of the enemies of these States, to lull them into a fatal security, to the end that they may act with a becoming weight and importance, it is the opinion of your Committee, that the several States be called upon to use the most strenuous exertions to have their respective quotas

cated to us:

of Continental troops in the field as foon as possible, and that all the militia of the faid States be held in readiness to act as occasion may require.

The report being read, and debated by paragraphs, resolved unanimously, that Congress approve and confirm the said report.

Published by order of the Congress,

CHARLES THOMSON, Sec. In Congress, April 23, 1778.

Whereas perfuation and influence, the example of the deluded or wicked, the fear of danger, or the calamities of war, may have induced fome of the subjects of these States to join, aid, or abet the British forces in America, and who, though now defirous of returning to their duty, and anxiously wishing to be received and remitted to their country, may be deterred by the fear of punishment: and whereas the people of these States are ever (that is, have been, time immemorial) more ready to reclaim than to abandon, to mitigate than to increase the horrors of war. to pardon than to punish offenders:

Resolved, That it be recommended to the Legislatures of the several States to pass laws, or to the executive authority of each State, if invested with sufficient power, to issue proclamations, offering pardon, with fuch exceptions, and under fuch limitations and refrictions as they shall think expedient, to such of their inhabitants or fubjects, as have levied war against any of these States, or adhered to, aided, or abetted the enemy, and shall so render themselves to any civil or military officer of any of these States, and shall return to the State to which they may belong, before the 10th day of June next. And it is recommended to the good and faithful citizens of these States, to receive such returning penitents with compassion and mercy, and to forgive and bury in oblivion their past failings and transgressions.

> Extract from the Minutes, CHARLES THOMSON, Sec.

York-town Gazette, May 4, 1778.
On Saturday the 2d instant Simeon Deane, Esq. arrived at Congress express from the American Plenipotentiaries at Paris, and delivered his dispatches to his Excellency the President: the important contents are by a correspondent thus communi-

The news of the defeat and captivity of General Burgoyne, were received in France the beginning of December, with as much joy as if a victory by their own troops had been Our Plenipotentiaries announced. took this opportunity again to attract the attention of the Court of France to the object of their negociation. On the 16th, Monsieur Girard, Royal Syndic of Strasburg, and Secretary of his Majesty's Council of State, waited upon our Plenipotentiaries, and informed them, by order of the King, "That after long and full confideration of our affairs and propositions in Council, it was decided, and his Majesty was determined to acknowledge our independence, and make a treaty with us of amity and commerce. That in this treaty no advantage. would be taken of our present situation to obtain terms from us, which otherwise would not be convenient for us to agree to, his Majesty desiring that the treaty, once made, should be durable, and our amity fubfift for ever, which could not be expected, if each nation did not find its interest in the continuance, as in the commencement of it. It was therefore his intention, that the terms of the treaty should be such, as we might be willing to agree to, if our State had been long established, and in the fulness of strength and power, and fuch as we should approve of when that time should come. his Majesty was fixed in his determination, not only to acknowledge, but to support our independence by every means in his power. That in doing this, he might probably be foon engaged in war, with all the expences, rifque,

riloue, and damage, usually attending it; yet he should not expect any compensation from us on that account, nor pretend that he acted wholly for our fakes, fince, besides his real good will to us and our cause, it was manifestly the interest of France, that the power of England should be diminished by our separation from it. He should, moreover, not so much as infift, that, if he engaged in the war with England on our account, we should not make a separate peace for ourselves, whenever good and advantageous terms were offered to us. The only condition he should require and rely on would be this, "That we. in no peace to be made with England, should give up our independence, and return to the obedience of that Government."

That upon these principles, by virtue of full powers from the King of France to Monsieur Girard, Royal Syndic of the city of Strasburgh, and Secretary to his Majesty's Council of State, dated the 30th of January, 1778, this Minister, with our Plenipotentiaries, signed at Paris, on the 6th of February, a treaty of alliance and commerce, almost in the very terms in which the American Plenipotentiaries had been instructed by Congress. In the treaty of alliance, the following articles are conspicuous:

"ART. I. If a war should break out between France and Great Britain, during the continuance of the present war, between the United States and England, his Majesty and the United States shall make it a common cause, and aid each other mutually with their good offices, their Councils, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies."

"ART. II. The effential and direct end of the present defensive alliance is, to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the said United States, as well in matters of government as of commerce."

"ART. VI. The Most Christian King renounces for ever the possession of the island of Bermuda, as well as of any part of the Continent of North-America, which before the treaty of Paris in 1763, or in virtue of this treaty, were acknowledged to belong to the Crown of Great Britain, or to the United States, heretofore called British Colonies, or which are at this time, or have been lately under the power of the King of Great Britain."

The treaty of commerce stands upon the bare basis of equality; and considering the established great power of France, and the infancy of the United States, is an act without parallel. In a word, the sentiments delivered on the 16th of December, by Monsieur Girard, by order of the King of France, are sentiments rare'y entertained by Princes, and which, together with these equal treaties, must rank him, not only among the greatest monarchs of France, but in history.

The independence of America is a favourite object with all those powers of Europe, who entertain commercial With respect to the acknowledgment of our independence, they have waited the example of France. and will now be determined in our favour by her conduct. The Emperor, Spain, and Prussia, are determined to support us. On the 6th of November last, the Prussian minister wrote in the following terms to one of our Plenipotentiaries: " As to the reinforcements of troops which Great Britain may receive from other powers of Europe for the next campaign, I can affure you, Sir, that your nation has nothing to fear from Russia or Denmark; and that Germany will not furnish but some hundred men, which the Duke of Brunswick, the Landgrave of Hesse, and the Margrave of Anfpach, in conformity to their treaties, cannot but fend annually to recruit the troops which those Princes hold in America in the pay

of England. It is with fincere satisfaction that I give you this agreeable information."—The King of Prussia would not allow the troops of Hesse and Hanau, in British pay, to pass through his dominions.—He has promised to be the second power in Europe to acknowledge the independence of America.

Our Plenipotentiaries affure us, that Britain, failing in this campaign, cannot possibly make another in America. So low are her finances reduced, so ruined is her credit abroad, and so difficult is it for her to procure men at home, that the greatest preparations for war were making in all parts of France; that near 50,000 French troops were actually marched into Normandy and Brittany; and that the navy of France and Spain now consisted of 270 sail ready for sea.

These important advices were brought in Le Sensible, M. Marignie, Commander, a royal frigate of France, of 28 twelve-pounders and 300 men. She left Brest on the 8th of March, and after a passage of 35 days, arrived at Casco-bay, from whence she sailed on her return, after two days stay to take in water.

Philadelphia, May 9. Yesterday General Sir Henry Clinton arrived at Billing's-port, in his Majesty's ship the Greyhound.

By his Excellency Sir WILLIAM HOWE, K. B. General and Commander in Chief, &c. &c. PROCLAMATION.

Whereas complaints have been made, That many of the inhabitants, in and near Philadelphia, have been injured in their property by disorderly persons, and that the depredations complained of, are encouraged by citizens purchasing from the soldiers and others, what is thus unwarrantably taken from their neighbours, to the prejudice of regularity and good discipline among the troops, and the great distress of the inhabitants, to

whom the fullest protection is in-

I do therefore hereby declare, that the most exemplary punishment shall be inflicted on all persons whatsoever, who shall be found guilty of taking the property of others unwarrantably, of exposing the same to sale, or of purchasing what may be so offered by soldiers in particular, or by any other persons, who are strangers in the city, or of suspicious characters.

And I do hereby further require all inhabitants of the city and its neighbourhood, to use every method within their power for detecting such offenders, in order that they may be brought to immediate inside.

to immediate justice.

Given under my hand at Headquarters, in Philadelphia, this 7th day of November, 1777. W. Howe.

By his Excellency's command,
ROBERT MACKENZIE, Sec.
By bis Excellency Sir WILLIAM
HOWE, K. B. General and Com-

mander in Chief, &c. &c. PROCLAMATION.

Whereas by my Proclamation bearing date the fourth day of this instant, "All masters of merchant ships were ordered and commanded, immediately on their arrival, to make entry of the vessels, and deliver in proper manifests of their cargoes, on oath, at the Superintendant's office;" and it was further ordered, that " No goods or merchandize whatever should be laden on board any ship or vessel, (fuch as are in his Majesty's service excepted) until permission in writing should first be obtained from the said Superintendent's office, specifying the quantity and quality of the goods fo intended to be laden, with the vessel and master's name, and where bound:" and, "That no ship or vessel (such as are in his Majesty's service excepted) should leave this port, until the master should deliver in, at the Superintendent's office, a manifest on oath, specifying the quantity and quality. quality of the goods, and by whom shipped, together with the permission granted for the landing the vessels." And whereas, the mafters of transports, victuallers, and other vessels in his Majesty's service, may conceive themselves justified under the exceptions aforesaid, in importing into, and exporting goods and merchandize from, this port, without complying with the regulations in my faid Proclamation contained, whereby great frauds may be committed, and the true intent and meaning of the Taid Proclamation eluded: for prevention whereof, I do hereby declare and order, that the faid exceptions, relating to ships or vessels in his Majesty's fervice, shall be void, and that all ships and vessels whatever that are now in, or may hereafter come in, or go out of, this port, and the masters thereof, shall be liable to the same regulations, pains and penalties, as merchant ships are made subject and liable to, in and by my faid Proclamation, any thing therein contained to the contrary notwithstanding: provided always, and I do hereby order, that no fees shall be received at the Superintendent's office, for any transport, victualler, or other vessel in his Majesty's service; in which no goods or merchandize (other than fuch as shall be shipped for the use of his Majesty's army and navy) shall be brought in or exported.

Given under my hand at Headquarters in Philadelphia, this 18th

day of December, 1777.

W. Howe. By his Excellency's command,

ROBERT MACKENZIE, Sec. By order of his Excellency Sir WIL-LIAM HOWE, K. B. General and Commander in Chief, &c. &c. &c. All persons in the city of Philadelphia and its environs, having oil in their possession, are hereby requested to make return thereof, into the Quarter-master General's office, on or before the nineteenth day of this Vol. VI.

instant (on pain of forfeiture) together with the names of the real proprietors thereof, distinguishing the time of the importation, also the name of the place where manufactured.

Given under my hand at Philadelphia this 12th day of February, in the eighteenth year of his Majesty's

reign.

William Erskinė, Q. M. G. By order of his Excellency Sir WIL-LIAM HOWE, K. B. General and Commander in Chief, &c. &c. &c. PROCLAMATION.

Whereas the cart-ways of the feveral paved streets, lanes and alleys, within the city of Philadelphia and its suburbs, contrary to former usage, are much incommoded with mud. dirt, and other filth, to the great annoyance and inconvenience of the inhabitants, as well as endangering the health of his Majesty's subjects; for remedy whereof, I do, by virtue of the order aforesaid, and in concurrence with the magistrates of the police, hereby enjoin and require all and every of the inhabitants and occupiers of the houses and lots, and every porter, fexton, and other keepers of churches, meeting - houses, academies, schools, public buildings, and burying-grounds, within the faid city and suburbs, to rake, and put into heaps, on each fide of the cartway, near the posts, ready to be taken away, all the mud, dirt, soil and filth, lying in, or to be found on the faid cart-way of the several paved streets, and alleys aforesaid, before their respective dwellings, houses and lots, each one half of the faid cartway, or cause the same to be done immediately after the publication hereof, and to repeat the same in the last week in every month, under the penalty of any fum not exceeding twenty shillings for every neglect or refusal, to be recovered in a summary way before any one of the magistrates of the police.

Given under my hand at Philadelphia, phia, this 18th day of March, in the eighteenth year of his Majesty's reign. JOSEPH GALLOWAY, Superintendant-general.

By order of his Excellency Sir WIL-

LIAM HOWE, K. B. General and Commander in Chief, &c. &c. &c. PROCLAMATION.

Whereas complaint hath been made to the police, that divers ill-disposed persons have, under pretence of bringing in provisions, gone up and down the river Delaware, landed in divers parts of Pennsylvania and the Jersies, and taken by force the property of feveral of his Majesty's loyal subjects. To prevent such iniquitous practices in future, I do, by virtue of the order aforesaid, and in concurrence with the magistrates of the police, hereby firitly forbid all persons going from this city or its environs for provisions, or on any other occasion, to take the property of any of his Majesty's well-affected subjects without their confent, and paying or making fatisfaction for the same, as they will answer it at their peril. And I do farther hereby make known to all his Majesty's said subjects, who have fuffered or may fuffer by fuch unwarrantable practices, that on application to the magistrates for redress, and due proof made against the offenders, they thall be punished in the most exemplary manner, and full reparation awarded for the injuries fustained.

Given under my hand at Philadelphia, this 23d day of March, in the eighteenth year of his Majesty's reign. JOSEPH GALLOWAY,

Superintendant-general.

Considerations on the right of succession in the House of BAVARIA. Now circulating in Germany, and faid to be written by the King of PRUSSIA. (Translated from the Original.)

By the death of the Elector Maximilian Joseph of Bavaria, which happened on the 30th of December,

1777, the male William branch of this House became extinct. The succession being by this event left open. has given rife to many publications; in which, for the most part, are found much more partiality and prolixity, than connection, certainty, and conviction. Both the literary and political classes of men have egregiously mistaken this important affair; because the foundation, on which the Imperial Court has laid its claim to the Lower Bavaria, was kept a secret between the Courts of Vienna and Munich, the contracting parties in the Convention of the 3d of January, 1778: but this secret is now revealed in a publication entitled, Impartial Reflections on the many Questions concerning the Succesfion of the Countries vacated by the Death of the Elector Maximilian Jofepb; and the author of that piece having therein published, though in a very mutilated manner, the famous Letter of Investiture of the Emperor Sigismond, of the 10th of March. and the Convention of the 21st of the same month, 1426, which was to secure to the Archducal House of Austria the sief of the Lower Bavaria, every one conversant in the history and public rights of Germany, may now judge of the matter in question. Permit an individual to reduce this question to some fundamental principles, which, whoever knows the constitutions of Germany, will not dispute, and which, if necessary, might be easily proved.

The first question undoubtedly is, To whom belongs the true and first right to the succession of the Bavarian estates in general, or to whom any parts of them in particular?

The history of the Palatinate and Bavarian Houses, as well as the genealogical table of those families, here added, will contribute more than any thing elfe to determine this question. It appears from thence, that the Palatinate and Bavarian Houses

descended

descended from one common stock: from Otto, Count de Scheyern, and the Count Palatine de Wittlesbach, to whom the Emperor Frederick I. gave, in 1180, as a male fief, the duchy of Bavaria, which was taken from Henry Duke of Saxony and Bavaria, under the ban of the Empire. Lewis, his fon, and Otto II. his grandson, added thereto the Palatinate of the Rhine; Lewis the Severe, the eleft fon of Otto II: founded the line of the Upper Bayaria and the Palatinate; and Henry, his second son, that of the Lower Bavaria, extinct in 1340. The two fons of Lewis the Severe, Rodolph Count Palatine, and Lewis Duke of Bavaria, afterwards Emperor, were the founders; the first of the Palatinate House, still flourishing in the line of Rodolph; and the second, in the male branch of Bavaria, which is lately become extinct, and to which they have given the name of the line of William.

These two Princes divided the estates of their father in the years 1310 and 1313; and this division was renewed in 1329, by the treaty concluded at Pavia, between the Emperor Lewis, and the fons of his brother Rodolph; so that Lewis obtained the Upper Bavaria, and his nephews the Upper and Lower Palatinate. These two contracting parties reciprocally engaged, that when either of these lines should fail of beirs, and become extinct, his estates and electoral dignity should fall to the other; and that neither of them should fell, mortgage, or alienate any part of their estates. It is indisputable, that, by this agreement, the Palatine and Bavarian Houses are indivisibly bound by an agreement of mutual succession, and consequently by a perpetual Fideicommis, notwithstanding that term may not be therein expressed, The line of the Lower Bavaria, which became extinct in 1340, had, indeed, no part in the conclusion of the treaty;

but the obligations which arose from it was not the less binding on that territory: first, because that it included all the possessions and rights of the Palatinate and Bavarian Houses. and that the Palatinate House had, from the time of its conclusion, the right of succession to the Lower Bavaria, as being the common descendants: secondly, and more especially, because the treaty of Pavia. after the re-union of the two parties of Bavaria, in 1346, was fully confirmed, and confidered as the foundation of the fuccessive treaties of the House of Bavaria, in the years 1524, 1724, 1746, 1766, and 1771. From hence this immediate consequence follows, that the treaty of Pavia, concluded by an Emperor, and confirmed by all the Electors, by the concurring act, then received and known under the name of Bey & Will-Briefe, is really and effectually a fundamental lanu, and a pragmatic fanction of the Palatinate and Bavarian Houses, which no branch of those Houses, without the consent of all the heirs, nor even the Emperor himself, could arbitarily abolish. Some unforeseen alterations or overfights, which may have infringed on some parts of this treaty, especially with respect to the reversion of the electoral dignity from one line to another, cannot lessen its power, which must be always in force, and especially that part which concerns the fuccession: on the contrary, it has acquired additional force by the confirmations so often made in the treaties of the House above-mentioned. These conclusions being proved,

overturn every thing which the Court of Vienna, and the Impartial Reflections, have advanced, viz. That the treaty of Pavia is but a temporary Convention, and annulled by inattention thereto; that it extends not to the Lower Bavaria; that the Palatine House, being put under the ban by the Emperor Lewis, and re-

established. Z_{2}

established by the treaty of Pavia, has the right of succession only by that treaty, and not from the common descendants of one and the same stock. But no such limitation is found in that treaty, or elsewhere, the right of succession in the Palatine House being in no part thus restrained: on the contrary, all the agreements of the House place the common descendants of the Palatine and Bavarian Houses as the soundation of the reciprocal succession.

The treaty of Westphalia even confirms the right of succession from the Palatine House to all of the Bavarian. The Palatine line being obliged (by Art. III. § 3.) to cede to Maximilian of Bavaria, the Upper Palatinate, and the electoral dignity, which the Emperor Ferdinand II. had wrested from him, obtained in return (§ 9.) that in failure of the William male branch, the Electorate and the Upper Palitinate should entirely revert to him; which could not follow, but in the right of succession from the Palatinate to the Bavarian House. mention is made of the fuccession to the other countries of Bavaria, it is only because that succession was supposed to follow in course, it not being necessary, in the treaty of Westphalia, to regulate all the rights of the estates of the Empire, but only to remedy those great irregularities, which a thirty years war had dragged in its train, and to restore those to their possesfions who had been deprived of them. It is sufficient that the treaty of Westphalia has mentioned nothing in opposition to the right already established; on the contrary, it has formaily reserved to the Palatine line the fuccession to all the countries of Bavaria, by the following words, (Art. IV. § 10.) Totius lineæ Rudulphinæ jura, quatenus buic dispositioni contraria non sunt, salva rataque maneant .- The rights of the whole line of Rodulph, as far as they are not repugnant to this disposition, to remain secure and confirmed.

Nothing then is more certain than these principles: the succession to every part of Bavaria belonged to the Palatine House from the treaty of Pavia, from the agreements of the House, and from the peace of Westphalia. It naturally reverts to that House by an immediate consequence of the feudal and general constitution of Germany, according to which, the fiefs acquired by their common ancestors are devolved to all those who are descended from them, passing from one line which is become extinct to that which furvives, and cannot go out of the House so long as a branch of the male stock exists. It is also upon these principles, that the different branches of Bavaria and the Palatinate have succeeded, and divided the country among them. These divisions being constantly made in the fame family, and between the different branches of the same House. have nothing in them derogatory to the indivisibility which is established among them, with regard to foreign Houses. It is, therefore, wrong for any one to attempt to draw an inference contrary to the principles above demonstrated.

The defect of coinvestiture cannot prevent the right of succession. This coinvestiture is requisite only, according to the ordinance of the Aulic Council (T. 3. § 12.) in those Houses where it is received, which it never has been in those of the Palatine and Bavarian; and it was in these the less necessary, as the succession has been already determined by so many agreements among the family, and which were in general consirmed by the Imperial capitulation, (Art. I. § 9.)

The fuccession to the estates of Bavaria also, in general, belong to the Palatine House; but this succession moreover includes many important alledial parts, which return to the allodial

Iodial successors of the William male branch of Bavaria. This allodial faccession belongs solely (according to the conftant custom of the Empire, and the agreements of the House of Bavaria) to the Electoral Dowager of baxony, as only fifter, and fole heirefs of the late Elector of Bavaria; and, in her default to his Serene Highness the Elector of Saxony, her fon, to whom that Princess has ceded her rights. It is with the Palatine House. as universal heir, that the Saxon House ought to settle this allodial fuccession; but as that must be legally done, and to the full fatisfaction of the parties concerned, the fuccession of Bavaria must remain in its ancient state, and not be altered or diminished, as it is now more than half fo, in their absorbing a great part of the same allodial inheritance. Her Imperial Majesty cannot perfift in her pretended right of regrediance to the allodial succession of Bavaria, as descendant of Maria-Anne, daughter of William V. of Bavaria, and Confort of the Empefor Ferdinand II. without supporting a pretension contrary to the constant custom of the Empire, to the agreements of the House of Bavaria. and to the principles by which her Imperial Majesty herself has excluded from the fuccession of Austria, the Houses of Bavaria and Saxony, who descended from the daughters of the Emperor Joseph I. eldest brother of the late Emperor Charles VI. nor without acknowledging a like right of regrediance to the Houses of Brandenburg, Bourbon, Wurtemburg, and others; into which the Bavarian Princesses have married.

The second principal question is, Has the Empress Queen any ancient right of succession to a part of the Bavarian Estares?

This question must fall of itself, if it be determined, as we have seen above, that the succession in general belongs to the Palatine House, and

the allodial succession in particular folely to that of Saxony. If the Empress Queen believed she had a just tlaim to the country of Bavaria, she would have acted regularly, if she had been pleased to make known, not only to the Elector Palatine, but also to the other Palatine Counts, and to all the States of the Empire, who are so essentially interested in that affair, and to endeavour to convince them of her rights in a manner conformable to the constitutions of the Empire, instead of beginning with taking actual possession of a country still in dispute. Every thing that has hitherto been published by authority of these pretensions, consists only of a note, distributed at Vienna on the 20th of January, among the foreign Ambassadors; and Letters Patent, published at Bavaria after having taken actual possession. It is there faid, in a fummary manner, that the Empress Queen forms three pretenfions;

iff. The one a pretended effective investiture, which the Emperor Sigifmond gave, in 1426, to Duke Albert of Austria, of those districts, which the line of Straubingen (become extinct by the death of Duke John of Bavaria) had possessed.

I he very document, by which the Emperor Sigismond conferred the fief of the Lower Bavaria on Duke Albert of Austria, was a long time concealed. It was not even produced to the Elector Palatine, neither at the figning of the Convention of the 3d of January, 1778, nor on the 22d of March, when the Bavarian Minister found himself obliged to demand, by a note of that date, which appeared in all the public papers, a fight of the act in question. What is more, even the writers in favour of the House of Austria, who are so careful to produce all their rights and pretenfions, have made no mention of this. Every thing which we hitherto know of it, is reduced to what Struve,

Erruve, the German historian, has said of it. He relates, but without giving any proof in support of it, That the Dukes of Bayaria-Ingolstadt, of Munich, and of Landshut, at the death of John of Straubingen, having contended for those dominions by hostile means, the Emperor Sigifmond committed to Duke Albert. nephew, on his mother's fide, to the last Duke of Straubingen, the government of the Lower Bavaria, as a fief devolved to the Emperor by the wars and arbitrary divisions of the faid Dukes; but this upon condition, that, after his death, this country should devolve to Sigismond and his male heirs; and in default of fuch iffue, to his daughter Elizabeth, and, after her death, to Duke Albert and his heirs." Lastly, the piece lately published at Vienna, under the title of Impartial Reflections concerning feweral Questions relative to the Succession of Bavaria, at last presents to the public this Letter of Investiture, which, as we are told, was found in the Imperial library at Vienna, and is dated March 10, 1426; as also a Convention, which, it is faid, the Emperor Sigifmond concluded with the Duke Albert on the 25th of March, 1426.

It is also as fingular as suspicious, that the author of the faid publication, after giving the whole of the Letter of Investiture, has not been as particular with respect to the treaty which followed it. This was the more necessary, as it would have enabled the public more properly to judge of the circumstances, as there is an essential difference between those two instruments. In the Letter of Investiture, the Emperor gives up bis right to Lower Bavaria to Duke Albert, and in the Convention, he confers it on him as a vacant fief of the Empire: these are differences which raife many doubts against the authenticity of these documents, which have

never appeared in an original or complete manner. Whatever may be the authenticity and purport of those documents, the feudal collation, drawn from thence in favour of the House of Austria, can exist in no other manner. The Emperor Sigismond confers on Duke Albert in his Letter of Invistiture, dated March 10, 1426, bis right to the Lower Bavaria. It cannot be from thence understood, that the proper right, which the Duke Albert pretended to have to the Lower Bavaria, could be either as a female fief, or with respect to the allodial portion, to which he became heir, in right of his mother, the fifter of the last Duke of Bavaria Straubingen: but fuch, indeed, has been the idea of the Emperor, as appears by his letter, now in the archieves of Bavaria, addressed to the Dukes of Bavaria and Austria. It is there intimated to those Princes, to take care of the right they pretend to have to the Lower Bavaria. This also appears even from the letter (alluded to by the author of the Impartial Reflections) which the Emperor Sigitmond wrote in July, 1426, to the Archbishop of Mentz, by which he enjoins that prelate to convoke the electors to confirm the rights which the Emperor, the Princes of Bavaria, and the Duke Albert of Austria, pretended to have to the Lower Bavaria. It follows from these letters and positions, put in opposition to the rights of the empire and of Duke Albert, as well as from the Letter of Investiture itself, that the Emperor did not confer the rights of the Empire on the Duke Albert, but the Duke's own proper right to the Lower Bavaria. But, that Albert had no right in himself to that province as heir to his mother, and that the Emperor could not give it him, will clearly appear, if we confider, that the Lower Bavaria has never been a female fief. but constantly a male one. The pretended sended Letter of Investiture, of the 10th of March, 1426, must therefore be null and void.

The Emperor Sigismond himself also acknowledged the nullity of that Letter of Investiture, fince, eleven days after he had granted it, he conferred on Duke Albert the Lower Bavaria. by the Convention of the 21st of March. 1426, not in virtue of his own proper right, but as a fief devolved to the Empire. But this collation was no less illegal, in every respect, than the former: it is there afferted, that the Lower Bavaria is devolved to the Empire; but no reason is given for it. The only reason is, according to the Impartial Reflections, and the sentence of Sigismond in 1429, that the Dukes of Bavaria have, at various times, divided the country in question among them, without the consent of the Emperor. Surely nothing can be more arbitrary and frivolous. There is no law existing in the Empire, which deprives Princes of those fiefs they may divide among themselves without the consent of the Emperor, if those fiefs devolved to them as a legal in-On the contrary, these heritance. divisions are constantly thus made, and the Emperors are obliged, as well by the customs of the Empire. as by the new capitulations, to confirm these divisions of the Princes and their family Conventions. gifmond, therefore, without the least foundation, declared the fief of Lower Bavaria vacant: and it was as contrary to the constitutions of the Empire, as to the feudal constitutions in general, to confiscate, under such frivolous pretences, and without the consent of the Empire, a male slef, which belonged to all the male branches of the Palatine and Bavarian Houses, secured by a perpetual Fideicommis, and to confer them afterwards by an act equally illegal, either on himself or a Princess, or on a Prince who was a stranger to the House of Bavaria.

One proof that the Emperor himfelf faw the inconfistency of these irregular preceedings, in the letter he wrote to the Elector of Mentz, of which we have before spoken, and by which he is directed to convoke the Electors, to confirm the pretenfions of the Empire, and of the Dukes of Bavaria and Austria, to the Lower Bavaria, which would have been unnecessary, had the acts of the 10th and 21st of March, 1426, been regular and legal. That convocation of the Electors never taking place, the Emperor, in 1429, held an Asfembly of the Princes and Peers ar Presburgh, in Hungary, and there pronounced a very remarkable fentence, by which the Dukes of Bavaria were pardoned for their pretended crimes, and it was decreed in what manner they should divide the Lower Bavaria. By that sentence, indeed, each party preserved his own right; but that form of proceeding could not give to the Archduke Albert any greater right than he before possessed. If his right had been founded on the pretended forfeiture of the fief, that forfeiture was annulled by the pardon of the pretended crimes which the Emperor granted, and could not refuse, to the Dukes of Bavaria; befides, no mention was made in the fentence of any hereditary right in the House of Austria. Upon the whole, the pretended right of the House of Austria to the fief or inheritance was not at all taken into confideration, which, however, would have been necessary, if the Emperor. or the Duke Albert, had thought they could have supported their claim either at that time or in future.

When we consider the whole of this matter in its true light, assisted by the little we can collect from such remote periods, it appears, that the Emperor Sigismond endeavoured, at any rate, by the extinction of the line of Straubingen, and the dissention of the Duke of Bavaria, to pro-

cure

cure the Lower Bavaria for Duke Albert, as well on the pretended right of being heir of his mother as on the pretended forfeiture of the fief: but he was at last, however, obliged to defift from so unjust an enterprize, and leave the fiefs to the true heirs, the Dukes of Bavaria. This unfuccessful attempt to gain an investure in favour of the House of Austria, is but one of those too frequent irregularities, by which the Emperors in those days sometimes endeavoured to advance the interest of their House; without being able to fucceed. fore the House of Austria can, in these times; derive any advantage from the alledged investiture, it will be necessary for them to prove; that the Emperor Sigismond gave them a permanent expectancy of the Lower Bavaria, in case the male branch of Bavaria became extinct; but totally the contrary is the case: The letter of the 10th of March, 1426, contains a real investiture, and the pretended Convention of the 21st of March, 1426, the collation of a fief then faid to be vacant. It was then, and on the extinction of the line of Straubingen, that they should have, attempted to support their claim, and not three hundred and fifty years after, as the Lower Bavaria has again passed by inheritance to other Dukes of Bavaria, without the House of Austria, during fo many ages, making the least oppofition to the succession, nor did it make any struggle against the sentence of 1429. It must also be remarked, that the male branch of that House has been twice extinct during that interval, in the person of Ladislas, son of Albert, and in that of the Emperor Charles VI. and, confequently, the collateral female branch of Austria can have no title to succeed to a male fief, fuch as that of Bavaria indisputably is.

If it is determined at all events to make the Lower Bavaria a female

fief, and to infift on the right of Austria to that province, either because that the mother of Albert V. was a Princels of Bavaria, or that the Emperor Significand, in the Convention of March 21; 1426, secured it for ever to his daughter Elizabeth. or to the Duke of Albert and his posterity, it will from thence incontestibly follow, that the House of Brandenburg would have a nearer right to it; since the male line of Albert expired with Ladislas, his fon: but that the House of Brandenburg, on the contrary, is descended in a right line from Anne, eldest daughter of Albert of Austria, who married a Margrave of Misnia, whose only daughter was the confort of the Elector John of Brandenburg, furnamed Cicero; whereas the present House of Austria is descended, in the female line, only from the fecond daughter of Albert, named Elizabeth, and from a collateral branch only in the male line. When the author of the Impartial Reflections pretends, that the Emperor Sigifmond meant, by the heirs of Albert; the collateral male heirs of the House of Austria, in exclusion of the children of Albert and their male iffue, he advances a very unnatural opinion, as that Prince hefitated not to confer the fief of Lower Bavaria on his daughter Elizabeth. If fuch had been his intention, he would have declared it; though fuch a disposition could not have subsisted. His Prusfian Majesty, however, subtracts not any right of descendance from the eldest daughter of Albert, nor does he avail himself of the right of preference, which his House must have over that of Austria to the succession in question; that Monarch, on the contrary, firmly supports the rights of the Bavarian and Palatine House. There is therefore room to believe, that, when the Empress Queen shall be informed of the true circumstances, and shall have reason to believe, that thofe those pretensions, which they have represented to her in a false light, have no foundation, neither in the extinction of the line of Straubingen, nor in the present case, her Majesty, inclining only to her natural love of justice and equity, will follow the example of his Prussian Majesty, and no longer dispute with the Palatine House the incontestible right it has to the entire succession of Bavaria.

2. It is, fecondly, advanced, in the name of the Empress Queen, that by the extinction of the male line of Bavaria, some districts of the Upper Palatinate, held in fee from Bobemia, are reverted to that Crown. Impartial Reflections found this pretension on the following basis: "Those fiels of Bohemia, which are fituate in the Upper Palatinate, are, as it is faid, the property of the Crown of Bohemia, purchased with hard money, in 1353, of the Counts Palatine, and which that Crown conferred on them again as fiefs in 1465. These fiefs, it is added, do not belong to the Upper Palatinate, but to Bohemia: the peace of Westphalia neither could nor would take them from that Crown. The Emperor Ferdinand II. did not restore them with the Upper Palatinate in 1628, but conferred them on the Duke of Bavaria in 1631, by a particular investiture; and the same Emperor Joseph did not invest the Palatine House with these fiefs in 1706, during the banishment of the Elector of Bavaria, but afterwards, and by a posterior and separate act."

But all these assertions fall to nothing, when we consider the following circumstances. The siefs of the Upper Palatinate, held from Bohemia, are incontestibly the ancient domains of the House of Wittlesbach. We find part of them named in the treaty of Pavia, where they are charged with a perpetual Fideicommis to the Palatine House, long before the Golden Bull, or the pretended pur-Vol. VI.

chase in 1353. Being re-united by the treaty of Pavia to the Elector Palatine, with the Upper Palatinate, they held them by the indivisibility fecured to that Electorate by the 25th chapter of the Golden Bull. Crown of Bohemia afterwards acquired any right over these districts, by treaties of the Emperor Charles IV. made with some of the Palatine Counts, which we shall forbear enquiring into, it cannot be confistent, with the feudality or direct domain. Even the fubstance of the fief and the territory has constantly belonged to the Palatine House; and by the Letters of Investiture, the Crown of Bohemia is obliged to confer there fiefs to all the heirs of the Palatine House and Bavaria, so long as one of them shall exist. The banishment of the Elector Palatine Frederic V. and the fale of the Upper Palatinate to Bavaria, as well as the investiture, which the Crown of Bohemia gave in 1631 and 1708, partake of the particular circumstances of times, and have loft, by those and subjequent treaties, all their force and effect. No change has refulted from hence in the nature of these fiefs, nor any alteration in the rights of the Palatine House. It has only lost the possession of these siefs, by the treaty of Westphalia, until the extinction of the line of Bavaria. That treaty having fixed, by the fourth article, that in case of extinction, the Upper Palatinate shall revert to the branch of Rodolph, without the Emperor Ferdinand III. King of Bohemia, one of the contracting parties of the faid treaty, having made any objection thereto, it necessarily and of course follows, that the Upper Palatinate should now fall to the branch of Rodolph, fuch as it was possessed by the line of Bavaria, and formerly by the Palatine House, and consequently the fiefs held of Bohemia, which, with what has been above proved, make an integral part of the Upper Pala-A a tinate,

tinate, of the Palatine Electorate, and of the ancient patrimony of the Palatine House, to whom the co-investiture has been already secured by the express terms of the peace of Westphalia. The Empress Queen cannot, therefore, break the engagements contracted by her predecessor, the Emperor Ferdinand III. nor deprive the Palatine House of the abovementioned siefs, nor re-unite them to the direct domain.

Mention is made of a pretention of the Empress Queen to the principality of Mindelheim, in Suabia, from an expectancy granted in 1614, by the Emperor Matthias, to the We cannot judge House of Austria. of this without feeing it; but what feems opposite to that pretension is, that when the Duke Maximilian, in 1618, bought the Lordship of Mindelheim as an allodium, the Emperor Matthias conferred it on him as an hereditary fief, by which the expectancy in question appears to have been annulled:

3. After having thus proved, that the Empress Queen had no original and ancient right to the succession of Bavaria, the third principal question presents itself: If that Sovereign has acquired it by the Convention, concluded the 3d of January, 1778, with the Elector Palatine?

This question seems to be answered by the very terms of the Convention. The Elector there acknowledges the pretensions of the Empress Queen to the districts of Bavaria, with which Sigifmond invested Albert of Austria, to the Lordship of Mildenheim, and the fiefs of the Upper Palatinate held from Bohemia, and engages himself to endeavour to procure the possession of them to the House of Austria; he imposes on himself the task of justifying the limits of the part of Bavaria which remains to him; he hopes to receive the fiefs ex nova gratia from the Crown of Bohemia, and the two contracting parties referve to themfelves the power of exchanging any particular districts, or even the whole of Bavaria.

It appears fingular and unaccountable, that the Elector Palatine should have thus acknowledged all the pretensions of the House of Austria, the invalidity of which strikes every eye; that he should even engage to surnish proof against his ancient rights, and that he should reserve the rest of the inheritance of his ancestors only by way of favour!

Has the acknowledgment of the rights of Austria been preceded by a strict enquiry into the titles on which they are founded? To judge of this, we have only to consider, that the Elector of Bavaria died on the 30th of December, that on the 3d of January the Convention was signed, and on the 22d of March, as hath been before proved, the Elector had not seen the Emperor Sigismond's Letter of Investiture, upon which all the pretended right of Austria rested.

It is more than probable that the Convention, so far from being free on the part of the Elector, was premature, and wrested from him through This will evidently appear, when we consider, that the Elector at first took possession of all Bavaria without exception; but that, as foon as the Austrian troops entered the Duchy, he changed his Letters Patent; and the Court of Vienna declared in her Circular Letter of the 20th of January, the Elector Palatine having at first taken possession of all the estates belonging to the succession of Bavaria without distinction, she had judged it necessary to march a body of troops into that electorate; but, as that misunderstanding was foon rectified, she had withdrawn a great part of her forces.

It has been already sufficiently proved, that the whole of the estates of Bavaria and the Palatinate is charged with a family, perpetual, and inalienable Fideicommis, by the descendants

descendants of a common stock, by the treaty of Pavia, and by the agreements so often renewed of the Palatine House, insomuch that the whole belongs to every branch in the Palatine House, as an inheritance to be transmitted to them entire and without being the least dismembered. We have feen in particular, that the Upper Palatinate belongs to the Elector Palatine, and cannot be separated from him by the Golden Bull; and that that country ought, by virtue of the fourth article of the treaty of Westphalia, to fall, with all its appurtenances, into the line of Rodolph, if that of William should become ex-We further know, that the tinct. Elector Palatine in 1746, 1766, and in 1771, folemnly renewed the treaty of Pavia, and the other agreements of his House, which include all the countries fince acquired; and that by a particular act, made in 1774, with the late Elector of Bavaria, it is stipulated, not only for himself, but also for his heirs, the civil compossession, and the constitutum possessorium; by which the heirs have acquired a right, of which no one can deprive them. It is then certain, that the Elector cannot derogate from these agreements and fundamental laws of his House, and still less treat by himfelf, without the concurrence of the Empire, without the confent of the feudal and allodial heirs, and even in opposition to the declaration of the Duke of Deux Ponts and the Elector of Saxony, to whom he could not do a more material injury, than by thus giving the greater part of the Bavarian inheritance to a foreign House, which has not the least right thereto. This transaction is therefore illegal and totally void of effect: it does not, and cannot give to the Empress Queen any more right to the countries the Elector has ceded to her, than the before possessed. Thus the Convention of the 3d of January being

founded on the arbitrary acknowledgment of an old pretention, and that pretension, as hath been already shewn, being erroneous and destitute of the least glimps of title, it is an act null and void; and it is to be hoped, that the high contracting parties, feeing the error of this proceeding, will of themselves annul an arrangement so hurtful to the interests of others. This arrangement could not subfift, even though it should be confined to the life of the present Elector Palatine. It would lessen too much the actual rights of the allodial inheritances; and, though it may be true, that the heirs cannot exercise their right of fuccession till the death of the Elector, yet it is no less certain, that it would be very difficult. if not impossible, to persuade the Empress Queen to restore to the Palatine House, at the death of the Elector. what he had ceded to her in his life-

The Empress Queen not having fubmitted this affair to the legal decision of the Empire, and having settled it with the Elector Palatine alone, who could have no right to transfer it, and not with the other parties principally interested therein, the feudal and allodial heirs, and the Empire; and having seized by force the better half of all Bayaria, and considerably more than belonged to the ancient portion of Straubingen, it is impossible to consider these measures in any other light, than as il-

legal and inconfistent.

It from hence follows, that every State in the Empire, and particularly every Elector, as contracting party and guarantee of the Golden Bull, of the peace of Westphalia, and of all the constitutions of the Empire, have an indisputable right to oppose the dimembring the inheritance of Bavaria, so unsuff, and so destructive of the liberties, the security, and balance of the Empire, and to employ

A a 2 every

every method, conformable to the constitutions of the Empire, to prevent it:

The exercise of this right is the more indispensible, as the Emperor has not thought proper to interscre in this matter as cuief of the Empire, to prevent Bavaria being illegally dismembered; but, on the contrary, as well by his silence, as by his cooperation, as co-regent of the estates of the Empress Queen, has approved and authorised those illegal measures,

It also appears very little confisent with the constitutions of the Empire and the Imperial Capitulation, that the Emperor, in his Letters Patent, of the 10th of January, of his own authority declares, that the Landgraviate of Luchtenburg, the counties of Wolfstein, Haag, Schwabeck, Halfs, and other districts, making part of the succession of Bavaria, are male fiefs devolved to the Empire; and that the Emperor, having put his noushold troops in possession of them, had received homage for them as As it is still undecided whether these districts are really male siefs of the Empire, or, which is much more probable, that they belong either to the whole of the male fief of Bavaria, or to the allodial succession. it might have been reasonably expected, that the Emperor would have Teft the Elector Palatine, as universal heir, in possession of those countries; and that he would have afterwards examined and decided the matter in a manner conformable to the constitutions of the Empire, whether the districts in question belonged to the male Bavarian fief, or to the allodial, or whether, in reality, they had devolved to the Empire as vacant fiefs. Should this last point be confirmed, the only remaining question then would be, whether their fiels are to

become a domain of the Empire? or whether they are to be conferred on others? This last arrangement cannot take place, (according to Art. II. § 2. of the Imperial Capitulation) but by the consent of the Electors and the Princes of the Empire.

It is also necessary to observe, that the present case is exactly similar with that of Art. III. § 3. and with Art. XI. § 23. of the Imperial Capitulation, that in all affairs of importance concerning the Empire, and such as may be of great prejudice, or attended with great consequences, he will take the council of the Electors, and, when occasion requires, of the Princes and States of the Empire, and that he will undertake nothing without them. But if ever there was in the Empire an important affair of fingular prejudice, and extensive consequences, it undoubtedly is the fuccession of Bavaria. It is of no less importance than the prefervation or destruction of an Electorate and two confiderable Duchies of the Empire; and by its confequences must maintain or destroy the whole Constitution of the Empire. It is also necessary to observe, that the Emperor should have done nothing in this important affair without the concurrence of the Empire, and not till it had been laid before the Diet. However, nothing of that kind was done on the death of the Elector of Bavaria, nor has been done during the five months which have fince passed. It is to be hoped, that this affair, which has been fo long obfcured by ridiculous and illusive pretensions, being now stated in a clear light, will be the means of promoting. a right and proper understanding, and pave the way to accommodations fuitable to the justice and constitutions of the Empire.

Lewis I. Duke of Bavaria, and:

OTTO II. the illustrious Duke of all Bavari

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LEWIS the SEVERE, Duke of Bavaria, and Count, Palatine of the Rhine, died 1294.

RODOLPH, Elector Lewis, Duke of Upper Bavaria in 1314, Emperor 1340. Duke of Lower Bavaria also 1340, died Palatine, Ancestor of the Palatine House, Married, 1. Beatrice of Glogan, 2. Margares of Holland, died 1356. died 1319. STEPHEN I. ALBERT, died 1404 branch of the line ADOLPHUS. died 1327. died 1377. Straubingen. RUPERT II. STEPHEN JOHN of JOHN, Bishop of FREDERICK. AN died 1398. Liege, 1390, Duke Sophi Munich, Il. of Ingolof Landshut. ftadt. died died 1393. died of Lower Bavaria ried 1418, died 1425. - Albe 1413-1397-The last possessor of Duke the Lower Bavaria, Ωr after the 2d division. RUPERT III. Lawis, died Ernest, WILLIAM, ALBERT V. Duke o died 1410. died 1435. 1438, under the na 1411. died 1438. died 1439. Marriec ter of the Emperor S STEPHEN, Lewis, died ALBERT III. LEWIS, died Anne, died 1462, marri died 1459. died 1460. William III. Marquis 1445, with-1479out iffue. Mifnia 1446; he died 148 Ħ without male issue. GFORGEthe Rich, died MARGARET, died 1511 married John Cicero, Ele 1503. The last of this Line. tor of Brandenburg. Male Line of The present The House of Prus-Palatine Bavaria, exfia and Branden-House. tinctin 1777.

For the REMEMBRANCER.

I beg you would publish the following extract of a letter written by a merchant of Quebec, of good sense and very fair character, to his friend in London: it contains an account of the present political situation of that province under the authority of the late Quebec Act, which it is sit that your readers should be made acquainted with: it is dated at Quebec on the 14th of June last, and is as follows:

Having wrote to you already, by this and former conveyances, what I had to fay on business, I now send you, for your own and your friends perusal, the ordinances lately passed here by the Governor and Council for regulating the Government of this province, on which I shall not lose time in making remarks, but leave the reader to make his own obfervations on them, and shall content myself with pointing out to you the mode in which they were passed, and the contrariety of the effects that have been produced by them to those which were expected and intended by the persons who made them.

By the Quebec Act, a man would be led to understand, that no less than a majority of twenty-three, or at least of seventeen, members of the legislative Council of this province, were deemed fufficient to make the But the fact is, that there were only thirteen Counsellors in the province last winter; and that Mr. St. Ours, of Montreal, who was one of them, being an infirm man, did not attend; and Mr. Cuthbert and Mr. Gugy, two more of them, left town the 9th of March; so that there were only ten members remaining on the spot to do business. That number were not unanimous in passing the ordinances that have been published; but it is well known that three, if not four of them, dissented from the rest, though they do not Vol. VI.

declare it publicly. Whether they had resolution enough to protest against any part of the ordinances, or not, I do not know But it is certain, that the Government of the Province at that time was entirely in the bands of fix or seven men, all placemen or pensioners.

The Council met the latter end of January last. The first bufiness done was . to swear the members to secrecy, that none of their proceedings might get to the ears of the public. However, it was impossible to keep things so close, but that some hints were dropped of what was going on; in confequence of which the English part of the people in trade here, finding that French laws only were to take place, and that the benefit of the trial by jury was not likely to be allowed in any but criminal cases, determined to make an application to the Governor, and pray that the laws of England, relating to commercial matters, might be introduced in the province in their fullest extent, instead of the French laws on those subjects. cordingly Mr. Charles Grant, Mr. James Johnston, and Mr. Robert Lester, were deputed by the other merchants to wait on the Governor for that purpose, in behalf of themfelves and their fellow citizens. They accordingly did so on, or about, the 25th of February; and they explained to his Excellency the advantages that refulted from having English laws in all countries belonging to Great Britain; and that long experience had proved them to be better calculated to promote trade and agriculture than French laws; and I believe the Governor himself was difposed to grant the English laws; but, unluckily for the province, Mr. Cramahé, the Lieutenant-governor, got notice of the intended application before it was made, and waited on the Governor that same morning, and prepared him against the people's request; which the Governor, of course, refused.

refused. Being denied that part of the rights of British subjects, the three deputies proposed to the Governor the establishment of a Chamber of Commerce in Quebec, which, they thought would, in some measure, compensate the want of juries in cases of civil rights. The Governor approved of the motion, inforuch, that he went himself to Council the next day, and appointed a Committee thereof to meet a Committee of the English and French merchants in town, to frame a plan for that pur-On notice of this given to the mercantile people here, they met and named their Committee, who, with that of the Council, prepared a plan, of which I herewith fend you a copy. After a good many delays, copies of this plan were made by the Clerk of the Council, and each of the Counfellors was furnished with one for his confideration; and in that undetermined state the affair continued till towards the end of April. The merchants then began to grow anxious to know the result of their application, and the Governor was waited on to' know his final answer, which was, "That he thought more power was asked for than he had authority to grant, or would chuse to vest in the first Court in the province." He therefore declined giving a charter for that establishment himself, but promised he would recommend it to the Ministry; so the Chamber of Commerce fell to the ground for the preient.

I believe General Carleton himself is well disposed to adopt any measure he thinks would premote the mutual interest of the Mother Country and his own Government; but, unfortunately for both, he is an entire stranger to civil matters, and of courfe surfers himself to be absolutely directed by a sew priests and Mr. Craminae, the Lieutenant governor, who, I think, will, in the end, work his ruin and the destruction of this pro-

vince, if their ambitious, circumventing, and arbitrary measures de not meet with a check. Mr. Cramhé (being our Lieutenant - governor) takes the lead, and, I may fay, directs and manages all civil affairs in the province that officially depend on the Governor, which renders power very formidable, and enables him to act as he pleases. I have been long in this country, and confequently an eye-witness to his general conduct; and am forry that, to this day, I cannot with truth fay one good word in favour of it. His constant study has been to contrive plans that have proved very expensive on your fide the water, and very destructive to the peace and welfare of this government: and he has address enough to make the Governor and a few of his dependants put them in execution without making his appearance himfelf, except on occasions that require an extraordinary exertion of his power.

His advice to the Governor (as well as to the Governor's predecessor) has, in general, been to thwart the wishes of the public, and always keep the old and new subjects of the Crown, that is, the English and Canadians as disunited as possible. By that means he, with the help of a few of his creatures in Council, retains the whole power of Government in his own hands; and this enables him to keep up diffentions even amongst the English inhabitants, and furnishes him with a party of them, who act under his direction, fo that no proposal can be made of any establishment for the good of society that he does not like, but that he can He has been contrive to overset. heard to declare, "that he wished there was not an Englishman left in the province; that they were an unruly set of people, and that, had it not been for them, the Canadians might have been governed at discretion."-That has been his language

to General Carleton. " For, favs he, the English merchants are the only men in this country that can oppose your measures; and, if ever you give them any power to establish any rules or regulations, even in trade, or invest them with any fort of civil authority or privilege whatever, the effect of fuch an indulgence will foon be felt; for the Ca-. nadians will fall in with them of course, and both together will, in the end, form a body too powerful to be resisted, who will make representations at home, which will be attended to, and you will, in confequence, lose part of your influence." Such a man is Mr. Cramahé, our Lieutenant-governor. But it is to be hoped his conduct will not always escape the notice of men of sense and power on your fide the Atlantic.

I do not know who were the first proposers of the Quebec Bill; but I believe it was strongly recommended from Canada, and that the Ministry were assured that great advantages would refult from it: but experience has shewn on what weak grounds these affurances were made; since the reverse of what was promised by them, has been the consequence of it. the publication of that Bill in this province, in the spring of the year 1775, it roused the fears and jealousies of all the peasantry in the country, and exasperated them so much against public measures, and against their own Seigniors and gentry (whom they justly supposed to have promoted it) that they could hardly be governed. In the fall of that year the rebels came into the province, and possessed it during the winter, even to the walls of Quebec; and during all that time they omitted no opportunity of infusing into the minds of the Canadians a strong apprehension of the ill effects of that Act of Parliament; and what the re-

bels then foretold them upon that

lince

subject, has, unfortunately,

proved to be too true; for no fooner had the army arrived here last year, but the inhabitants of the country were worked and driven about pretty feverely without distinction, though there were some amongst them who were well attached to the interest of Government; infomuch, that with bad usage, hard labour of both men and horses, and no pay for it, the few good subjects became as much diffatisfied as the bad ones. a proof of this I must inform you, that in the month of August last such numbers of them were commanded on public fervice, that I myself saw fields of corn standing ripe on the ground, and perishing for want of hands to cut it down; and yet at the fame time the troops were doing nothing but harraffing the country wherever they went: and in January last the Governor and his advisers thought fit to transport from hence to Sorel and St. John's, by land, what could be fent of the provisions and stores then at this place. that purpose the peasants were ordered to bring into town fifty fleas '(or winter carts) per day, at the rate of eighteen-pence Halifax currency (or about fixteen-pence sterling) per day for each man and his horse, which, from the high price of provender at that time, was not more than fufficient to maintain the horse, without the man.

In this manner the greatest part of the inhabitants of the province were employed in February, and for some time in March, till the roads broke up, receiving only the small consideration of eighteen-pence, Halifax currency, per day; and that was only paid from the time of taking up the load till it was discharged at the place appointed; for there was no pay allowed them during the time which they must necessarily employ in coming to town from the most distant parishes below, and in returning to their homes after the load was difcharged; B b 2

charged; so that many of the inhabitants, who live at a distance from Quebec, were upwards of ten days in performing a service for which they received only seven shillings and fixpence, Halifax currency, for each man and his horse so employed.—As to the services exacted from the country people of this province before this business of carrying the provisions, they were performed without any pay at all, whatever the charge on that account may appear to be on your side of the water.

It may be truly faid that the Canadians were generally distatisfied ever fince General Carleton proclaimed the revival of the French mode of Government in the spring of the year But the late ordinance, that has been passed here for regulating the militia of this province, has given the finishing stroke to their discon-I really believe there is tentment. not a man of them now but would rebel, if it was in his power, except à few of their gentry in places of profit, and fuch as have pensions, or On the publicahope to get them. tion of that ordinance, a vast number of the Canadians disappeared, for fear of being enrolled in the militia, and forced to march with the army out of the province: some of them went into the upper country; some of them have withdrawn to the fishingposts below, and others have retired back into the woods; so that hardly a man can be got to work or bring forage to town: one consequence of which is, that fire wood, which used to be bought in this leason of the year for a dollar per cord, is now fold at four times that price. The Governor. feeing the bad confequences of that ordinance, and finding it likely to be of very little service, thought fit to order only a small number of the Camadians to take arms; and these he ordered in from the country to the Quebec and Montreal. towns of They accordingly appeared there; but when they received orders to

form themselves into companies, and hold themselves in readiness to join the regular troops, under whose command they were to ferve, they began to defert in dozens and scores, till at last there were very few left to march with the army.—At Montreal, I am told, they filled the Recollet's church with these people, in order to prevent their defertion. However, that was not sufficient to hold them: for they broke through the windows in the night-time, and made their escape. I do not know how many of them they have been able to muster in the end; but, I believe, very few; and the services of these are very little to be depended upon.

Notwithstanding all the proofs the Canadians have given of their disgust at public measures, and the little influence their clergy, and those called their gentry, had, or have, over them. (even the refusal of confession and absolution has proved ineffectual to accomplish the plans of men in power here:) the French clergy and gentry still hold more than their share of the favour and countenance of Government; and, I believe, will continue to do so in the reign of our present Governor and Lieutenant-governor. As to the peafantry, they are all quite in disgrace, and called nothing but a parcel of ungrateful dogs and rascals, for turning out in the manner they do after the uncommon pains that has been taken with them, and the many And it is indulgencies shewn them. indeed true, that they always had a preference shewn them above the King's ancient, or British, subjects in every respect; and great expences were incurred two years ago to keep them in good temper, but without fuccess; for it did not induce them to take arms in defence of the Government in time of need.

I do not find that it has been yet talked of, on your fide the water, and therefore I will mention the following instance of what I must needs think

think the most partial and ill-timed preference that ever was shewn to any one fet of men above another. In the winter 1775, during the siege of this place, all the lower class of inhabitants, both French and English, had an allowance of pay and provisions from the Government. But the French had fourteen-pence, Halifax currency, per day, allowed them, and the English only twelve-This distinction, when it pence. came to be known, had well nigh bred a mutiny in the garrison; upon which the Governor was applied to, and requested to remove the cause of it, by putting the pay of both people upon the same footing, in order to prevent jealousies and misunderstandings between them. But this request was not complied with; and, had it not been for the influence of the best fort of English inhabitants over the others, the consequence might have proved fatal to the Governor, who blamed Mr. Cramahé for that meafure, but yet, imprudently as we all thought, refused to set it right.

Extract of a letter from the province of Quebec, dated the 4th of last

September, 1777.

"This unfortunate province has undergone the most extraordinary and pernicious change in its political condition, by the Quebec Act, that can possibly be conceived; and arbitrary power now prevails in it without the least controul. The people now speak of former times with regret, lament the miseries of the present, and confider the future as a sepulchre that fwallows up all their hopes of liberty and happiness in this life. And it is their general opinion, that generations after generations of those who are to come after them, will curse the memory of those persons who were the promoters of that Act which has made this alteration in their Govern-God grant that it may foon be foftened or amended, or, indeed, repealed! These are the unanimous

fentiments of both the old and the new subjects of his Majesty in this province; I say, of both the English and Canadian inhabitants of it. And there are only the sew French gentlemen who had obtained the honour of being Knights of the Order of St. Lewis for their service to their former sovereign, who, by a salse system of prudential policy, outwardly pretend to approve this destructive revolution in the Government of the province.

" The execution of this Act, for altering the form of Government in this province, has had fo strong and fo disagreeable an effect on the minds of all the people of this province, down to the very lowest order of them, that it is difficult to find words to describe it properly. The common peasants in the country are more and more angry at it every day, and seem never to lose fight of it for a moment. And they daily bestow curses on those perfons in the province who petitioned for it, and who have been the means of its being passed, through a mean principle of felf-interest, and the hope of obtaining places of dignity and power for themselves in consequence of it. For that was the view of those persons who petitioned for this Act. But the great body of the freeholders of the province, who had ever fince the conquest of the province enjoyed and relished the mildness of the just and wife laws which their new fovereign had given them, in pursuance of his promise of so doing, contained in his Royal Proclamation of October, 1763, when they faw themselves in a moment deprived and stripped of the inestimable benefits of those laws which every good and faithful subject of the Crown of England cannot fail to be attached to, were struck with the deepest sense of the misery of the change, and have continued in the fame fentiments ever fince."

As his Majesty's Ministers have at last thought it expedient to endeavour

to recover the lost affections of the Americans by methods of condescenfion and concession, it seems to be the duty of every good subject and lover of peace to co-operate as far as he is able, with those prudent and equitable meafures, in order to render the fuccess of them more probable. With this view, I shall mention two things which appear to me necessary to be done, in addition to the Bills already past, in order to complete the present plan of pacification, and without which there is reason to apprehend that the Americans will not accept it. The one is to repeal, or greatly amend, the Act for the Government of the province of Quebec, which the Congress have declared (in their petitions to the King, and other public declarations, before their vote of Independency) to be one of those Acts which it was absolutely necessary to repeal before they could think their liberties out of danger. And the other is, to pass a promissory Act of Pariiament, (fimilar to the Non-Taxation Act, which has just received the Royal affent) to affure them that no Bishop shall ever be established, either by Royal or Parliamentary authority, unless the affembly of the province in which it shall be proposed to establish one, shall have made a petition for that purpose.

These measures I take to be so essentially necessary for the satisfaction of the Americans, that I could wish to see them settled here immediately by Parliament, before the Commissioners, that are to treat with the Americans, leave England; for it is evidently best to do as much as possible of that which is necessary to be done for the satisfaction of the Americans, by the direct and immediate authority of Parliament, and to leave as little as possible to the Commissioners.

The following is an authentic copy of a petition prefented on the 9th of April to Lord George Germain. figned by all the merchants of Canada, now in London; to which his Lordship was pleased to answer, that he would give the same all the attention the importance of the subject required, and have it laid before the King's servants:

To the Right Hon. Lord GEORGE GERMAIN, one of his Majesty's Principal Secretaries of State, &c. &c. &c.

The petition of the merchants, and fuch inhabitants of the province of Quebec, as are at present in London.

Sheweth

That his Majesty's British subjects in that extensive colony, apprehending the inconveniences which have fince really arisen from the operation of an Act of Parliament passed in the year 1774, for establishing the Government of the province of Quebec, did in the same year petition his Majesty, and both Houses of Parliament, that it might be repealed, or at least amended.

We beg leave to inform your Lordship, that from the reduction of Canada to May, 1775, when the abovementioned Act took place, the inhabitants, as well Canadians as English, lived with great fatisfaction in the enjoyment of their liberty and property, under the protection of the English Government, and that they received the new regulations contained in the Act with surprize and reluctance; for they faw themselves at once deprived of that inestimable privilege of the English Constitution. that grand bulwark against injustice and oppression, the trial by juries, and of the benefit of the commercial laws of England, so wisely calculated to promote a spirit of trade and induitry, and so generally known and understood; instead of which they found themselves obliged to have recourse to the laws of Canada, scarcely. if at all, understood by any person in the province, and confishing chiefly

of occasional mandates issued from time to time by the French Governor. In consequence of this subjection to the arbitrary command of their superiors, many of the Canadians have been ordered out upon the public service, without any pay or emolument whatever, and upon refusal have been thrown into prison under a military guard.

It cannot be wondered at, if, under fuch circumstances, discontents, and even distatisfaction to his Majesty's Government, should have crept in.

The ordinances lately made by the Governor and Council in aid of the French law, have contributed to increase the general distatisfaction. This Council, when only twelve members were present, and each of them bound by an oath of secrecy, proceeded to make laws without requiring the least information, and with the most total disregard of an application from the merchants, who petitioned upon grounds of general utility, that they might not be deprived of the mercan-

tile laws of England. The ordinances furnish further matter of complaint, because of the ambiguous terms in which they are expressed, of the indefinite powers which they give to the Judges, and of the prejudice which prevails in them without exception, in favour of the laws of Canada, whose forms are tedious, expensive, and unnecessary. In particular, the ordinance regulating the Indian trade, subjects the trade to insuperable difficulties; for the pass he obtains is upon conditions frequently out of his power to comply with, and his whole property is, in consequence liable to confication by the civil, or feizure by the military power, upon an information laid against him by any person tempted by a prospect of the reward. though the information be falle, is there any provision to redress the trade, though he may be equally ruined by the expence, and the delay of his journey in the proper season, These difficulties are so alarming, that though this trade is by far the most considerable in the province, since the commencement of the present unhappy disputes, whenever the communication from Albany shall be open, a great part of it will be carried on from the province of New-York, notwithstanding the situation of Canada is in all respects more convenient.

We beg leave to affure your Lordship, that these causes, originating
chiefly from the Quebec Act, have
concurred to spread a general discontent throughout the province, without
any advantage to the present State,
and so far to alienate the affections of
his Majesty's subjects, as to give great
reason to apprehend a disposition in
them to change their parent form of
Government, should such an oppor-

tunity unhappily offer.

We therefore humbly intreat your Lordship, to take into your consideration the dangerous and confused situation of this colony, and grant us your patronage and affiftance in endeavouring to obtain a repeal of the Quebec Act, the fource of these grievances and an establishment in its Read of a free Government, by an affembly or representation of the people, agreeable to his Majesty's Royal promise, contained in his Proclamation made in the year 1763. This measure alone, which we are firmly perfuaded is founded equally on the principles of justice and good policy, is adapted to conciliate the minds of a diffatisfied people, to confirm their wavering disposition, and to restore that mutual confidence between the Governors and the governed, which is effentially necessary to the happiness of both.

London, 2d of April, 1778.

Signed,
Charles Grant,
Alex. Davison,
Thomas Alylwin,
Alex. Henry,
Allen Paterson,

John

John Salmon,
John Paterson,
J. A. D. Hemair,
R. M'Williams,
William Lindsay,
John Shannon,
Edward Watts,
Dan. Sutherland,
Charles Paterson.

Alex. Frazer, William Smith, Josiah Blaikley, John Macdonald, William Aird, Isaac Todd, Ad. Lymburner, John Pagan, Randle Meredith.

The following pieces, I think, ought to be exposed to the view of the public. The first piece is a letter written by a Gentleman of Detroit to his friend in Quebec; the second is the trial of a Jonas Schindler, of Detroit; and the third and last piece is Lieutenant-governor Hamilton's advertisement concerning said Schind-By these papers the reader may judge how far the persons and property of his Majesty's subjects are fafe, when too much power is vested in the hands of individuals, which is certainly the case under the Quebec Bill regulating the Government of that province.

> Quebec, September 21, 1777. Sir.

Yosterday his Excellency Sir Guy was pleased to sign my pass a few hours before he fet out for Montreal, notwithstanding any opposition that might have been made by our Detroit Nero, Lieutenant-governor Hamilton, who you know is now in town here. From what you have heard of his cruel and tyrannical difposition, you must be well convinced how unhappy we are under his Government; you know what severity he used against me unjustly, how he has treated Mr. Bentley, and confessed to him in presence of several witnesses, that he knew very well his proceedings against Mr. Bentley were illegal, but that he was above the law; and added, "You may fue me if you please, but you'll get nothing, Government is obliged to support me in what I do;" a very fine confession for a Lieutenant-governor fet over a

free people. You know how he wanted to hurt Mr. Isaac Williams, and the cruel manner in which he treated Mr. Jonas Schindler, filversmith, who, after being honourably acquitted by a very respectable jury, he ordered to be drummed out of the town; Captain Lord of the 18th regiment, late Commandant at the Illinois, and at that time commanding the garrison at Detroit, filenced the drum when it entered into the citadel, in order to pass out at the west gate with the prisoner, and said Lieutenant-governor Hamilton might exercise what acts of cruelty and oppression he pleased in the town, but that he would fuffer none in the citadel, and would take care to make fuch proceedings known to some of the first men in England: all these things are very cruel, but nothing like hanging men .- Lieutenant-governor Hamilton, to whom a commission for a Justice of the Peace was fent up only two or three months ago, which is the first that ever was given by proper authority to any one in Detroit, took upon him in the fall, 1775, to nominate and appoint a certain Philip Dejean (who run away from hence some years ago, and fled to Detroit to screen himself from his creditors) to act as Judge on the trial of Jofeph Hecker (formerly a furrier in this town) for having killed his brother-in-law, Monsieur Moran, in a quarrel; he was found guilty, and Judge Dejean passed sentence of death upon him, which was approved of by Governor Hamilton, and put in execution a few days after under a guard of foldiers, who furrounded the gallows whilst he was hanged.-In the ipring, 1776, they condemned and hanged also, Jean Contancinau, a Canadian, for having stolen some money, &c. from his mafter, and being concerned with a Negro wench in attempting to fet fire to his master's house.—You'll readily allow that these criminals deserved death;

but how dared Lieutenant-governor Hamilton, and an infamous Judge of his own making, take upon them to try them, and execute them without authority? I mentioned all the above circumstances to Judge Livuis, and to Mr. Monk (the Attorney-general;) they were much furprized at fuch rash and unwarranted proceedings, and faid Lieutenant-governor Hamilton and his Judge, Philip Dejean, were both liable to be profecuted for murder-I beg you may make those things known in England, that we may be freed from usurpation, tyranny, and oppression.

I return you my most hearty and fincere thanks for your very polite and obliging behaviour to me fince I first came to this town, and your interesting yourself in such a friendly manner in my behalf with his Excellency Sir Guy Carleton, whereof I beg you may be affured I shall always retain the most grateful sense; and am, with much truth and fincerity,

Dear Sir,

Your much obliged, and most humble servant.

Proceedings of a Court held at Detroit the 8th of August, 1777, by Philip Dejean, one of his Majesty's Justices of the Peace, acting as Judge by commission from Henry Hamilton, Esq. Lieutenant-governor and Superintendant of Detroit, &c. to try an action of felony between our Sovereign Lord the King and Jonas Schindler, filversmith, for uttering base metal mixed with silver, contrary to the Act made and provided to prevent frauds of the like nature.

The prisoner was set to the bar, and commanded to hold up his hand.

Judge. - Jonas Schindler, you stand indicted of felony, in having made, fold, and offered to fale, base metal mixed with filver; are you guilty of the crime of which you stand indicted, or not guilty?

Prisoner .- Not guilty. Vor. VI

Mr. James Rankin and Mr. John Shipboy being called upon to be ready to give in their evidence, the Jury were then ealled by their names, and fworn:

Tames Sterling, Med. Gamelin, Alex. Macomb, Adh. St. Martin, Grig. M'Grigor, |

Geo. Meldrum. Guil. St. Bernard. James Abbott, Marrau. Godette, Colin Andrews. Jacq. Campeau, | Pierre Reaume.

You good men of the jury are to understand that the prisoner at the bar stands indicted for felony, in having made, fold, and offered for fale. base metal mixed with silver; to which indictment he pleads-Not guilty:--And now hear your evi-

dence.

James Rankin being called upon as an evidence for our Lord the King, declares, upon oath, that he has bought some India filver work of the prisoner at the bar for Mr. Edgar, at. the River Huron, and in particular fome boxes, which being returned by the Indians, who faid they were the fame they bought of faid Edgar, faid Mr. Edgar returned them to faid evidence, who then applied to the prifoner at the bar concerning said boxes, who faid he had not made them himself, but had bought them of one Mr. Beaubien, and that if they proved to be base metal, he would make him new ones, take them back again, or elfe deduct them out of the account; said prisoner told said evidence that the boxes cost him five livres ten fols each, and faid evidence agreed to pay him fix livres each. John Shipboy being also called upon as an evidence aforesaid, produced feveral pieces of filver work, called mounting for spoon-boxes; such as handles, escutcheons, &c. upon which Messrs. John Visgar, silversmith, and Moses Henry, gunsmith, who also works in filver, being called upon, and fworn whether faid filver work were good filver or not, Mr. Visgar fays, he thinks there is some alloy in the aforefaid filver work; and being asked by the Court whether there was more alloy in faid filver work than there ought to be, he replied, he did not know there was. Mr. Henry being called upon declares, that he does not think there is more alloy in faid filver work than there ought to be, and further fays they would pass for good filver work in any part of Ame-

The prisoner being put on his defence, fays, that he bought a quantity of Indian filver work at Michilimackinac, of one Mr. Beaubien, which he did not examine, as they seemed to look like good filver; that he fold fome boxes to Mr. Rankin, which he had bought of faid Beaubien, and at the same time told Mr. Rankin that he had not made them himself, but that if they proved not fo good as he expected, he would change him nothing for them.

Mr. Macomb declares, upon the tenor of his oath, that the prisoner at the bar told him, that if any filver work he had from him should happen to be bad, he would take them back

again.

Mr. Andrew declares, upon the tenor aforesaid, that about three weeks ago he bought two hundred broaches of the prisoner at the bar, saying, at the same time, he hoped they were good filver. Said prisoner replied, if they were not good, he would charge

nothing for them.

Mr. Abbotts declared \ (as aforefaid) that Mr. Isaac Williams having purchased certain filver work of said prisoner, he promised said Mr. Willlams to take them again, if they did not prove good; and further declares. that faid prisoner told himself, that upon any filver, work he furnished him with, not proving good, he would make reasonable satisfaction.

Antoine Lacolle being called upon, declares, upon oath, that having asked the price of some silver works at Mr. Schindler's, said prisoner asked fix

livres each: faid evidence told him they were very dear, and that he did not think they were good filver; faid prisoner replied, he did not know, for he had bought them of Mr. Beaubien, and further faid he took them at the aforesaid price, and has not fince heard they have been found fault with.

The prisoner further says, that Captain Grant's work required fixteen dollars to make it; that having but twelve, he was obliged to make use of a filver gorget, which he looked upon as good filver, to compleat the aforesaid work; that he sounded said filver work himfelf, and did not perceive any alloy amongst it, and that his apprentice finished it. He further declares, he is not a good judge of the quality of filver, having never ferved an apprenticeship to the filverfmith, or any other business.

Michael Forton, apprentice to the aforesaid prisoner, declares, upon oath, that in working of faid filver, he perceived there was fome alloy in it; that every one knows there is fome alloy even in dollars, but he does not know whether there was more in the aforesaid filver work than there ought to be: he further fays, that his faid master, after his arrival from Mechilimackinac shewed him some filver work, amongst which were fome boxes, fuch as those produced in the Court, which his said master told him he had bought of Mr. Beaubien.

We the jurors appointed to examine a cause between our Sovereign Lord the King and Jonas Schindler, indicted for felony, having duly examined faid cause according to the evidence brought before us, find him

Not Guilty.

Given under our hands at Detroit this 8th day of August, 1777.

Signed. James Sterling, Med. Gamelin, Adh. St. Martin, Pierre Reaume,

Marrau. Godette, Jacq. Campeau, Colin Andrews, James, Abbott, Alexander Alex. Macomb, Grig. M'Grigor, Guil. St. Bernard, G. Meldrum.

After the acquittal of Jonas Schindler, Governor Hamilton published the following advertisement, and had the said Schindler drummed out of town:

Advertisement.

As Ionas Schindler, at present a prisoner in the guard, evidently imposes on the public by exercising the business of a filversmith, to which he never served an apprenticeship, this is to give notice to the public, that the faid Schindler ought to be drove out of the garrison with infamy, and fent to the country below by the first occasion after he settles his affairs: of which the interested are to take notice, and bring their accounts to Philip Dejean, Esq. after the same shall be attested before Yabrail Legrand, one of his Majesty's Justices of the Peace for the district of Detroit. HENRY HAMILTON, Signed, Lieutenant-governor.

(True copy.)
PHILIP JEAN.

Signed, 30th August, 1777.

Boston, April 20.

The following articles of intelligence, up to the 8th of March, were received by the frigate La Sensible, of 36 guns (belonging to his Most Christian Majesty) commanded by the Chevalier Marigny, who arrived at Falmouth, Casco Bay, on Monday last, in 35 days from France, with dispatches for Congress, and came to hand last evening, viz.

That after the news of General Burgoyne's defeat, affairs took a new and very favourable turn, especially in France; and soon after, the Court dispatched Mr. Simeon Deane in the frigate Belleponte, of 36 guns, in the most private manner, with the preliminaries of a treaty with the United States of America; but the frigate meeting with violent contrary winds, and springing her foremast,

was obliged, after being out fix weeks, to put back to Brest; from whence Mr. Deane immediately repaired to the Court of Versailles and received orders for another frigate, which left Brest, March 8th, and arrived in Casco Bay on Monday last.

Boston, April 22. We have the most authentic advices from France. That by the treaties lately compleat. ed and figned there, his Most Christian Majesty guarantees the independence, fovereignty, liberties, and all the possessions of the Thirteen United States of America; and they, on their part, guarantee all the dominions of that Prince in the West-In-The part he acted upon this occasion, was truly noble and magnanimous. No monoply of our trade was defired; it is left open to all we choose to trade with. This is wife. as it is generous; it being undoubtedly the interest of France that this treaty should be durable, which would not have been so likely, had hard terms been exacted of us. are moreover liberally affifted there with all kinds of supplies, The treaties were figned on the 6th of February,

The English Minister, to defeat. if possible, this union, and recover the dependence of the Colonies, has brought in two Bills, which he calls conciliatory, but which are a composition of artifice and uncertainty. The right, as they are pleased to call it, of laying taxes on us, is not given up, the Parliament only declares. that in confideration of some inconveniences found in the exercise of this right, they intend not to exercise it hereafter, except for regulating trade; but the next Parliament may find this declaration inconvenient, and may repeal it, and resume the right. Commissioners are appointed to treat with any body of men in America, on the means of quieting the disorders there, but can do nothing definitive. except granting pardons, declaring

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and revoking cellation of arms, &c. On this a gentleman of character fays, in one of his letters, "I hope no American will be mean enough to accept their pardons; and I am fure we shall not be so weak as to disband or difarm, in the fmallest degree, on the faith of their declaring a cessation of arms." He adds, "Believe me, the malice of the British Court is as great against us as ever, but they are at present in a great consternation, unable to go on, ashamed to give up, and fearing a war with France and Spain, which they fee must ruin them. If they can divide and weaken us, or deceive us into a fubmission, they will punish us at their leifure." France has this same year, renewed her fifty years alliance with the Thirteen United States of Switzerland, which she has faithfully kept for 200 years-A good omen for us.—The acceptation of Spain to the treaties was not doubted. These events are most important in favour of America; they give us a stability that must support and extend our credit in Europe, while that of Britain is finking. The good-will to our cause in Europe is universal; all nations wish, and are ready to concur, in the humiliation of England, as foon as they dare; -- by returning to their Government, we should have them and all Europe against us; we are now with all Europe, against them. There is no hefitating a moment which to choose of The public these two situations. may rely on the authenticity of the above accounts, which, if improved with wisdom and spirit here, must, by the favour of Heaven, prove decifive for America.

Boston, May 4. We hear from Providence, that on Tuesday last General Sullivan, Commander of our troops there, received an imperious dictatorial letter from Brigadier-general Pigot, Commander of the British t————t's forces at Newport, (inclosing the draft of two Bills

which had been only once read in the British House of Commons) wherein he said, that the terms offered the rebels were more gracious than they could, or had reason to expect, from the hands of his most merciful master; which sentence so exasperated the populace there, that they ordered the Bills to be burnt by the hands of the common hangman, which was immediately executed. General Sullivan, we hear, answered General Pigot's letter, in a very genteel but severe manner.

On Thursday last, the Lovely Lass, the first spring ship, bound from London for New-York, (missing her port) was safely conducted hither by part of the crews of the privateers American Revenue and the Revenge, both belonging to Connecticut, who sell in with her 12 days after they sailed. He cargo consists of the following articles, 255 bales dry goods, 300 barrels flour, 300 casks porter and wine, 66 chests tea, and 65 puncheous rum.

Last Wednesday morning the Hon. Samuel Adams, Esq one of the Delegates of the Continental Congress for this State, set out on his journey to join that honourable body; a number of gentlemen of this town, accompanied him as far as Little Cambridge, where they had a genteel entertainment: after dinner the following toasts were drank, viz.

1. The United INDEPENDENT States of America.

2. The Congress.

3. Lewis the XVIth, King of France.

4. The American Ambaffadors at Verfailles and other Courts in Europe, 5. General Washington, the army and navy.

6. The town of Boston.

7. Our worthy friend and patriot, Mr. S. Adams.

8. In memory of the first Committee of Correspondence in America, and all those who dared to support

port our glorious cause in times of danger.

9. Firmpels to America against the insidious arts of Britain.

10. May the Independency of America be as lasting as time.

11. Agriculture, arts, and commerce.

12 Peace with all men on the principles of honour and justice.

13. May the watchmen of America ever be upon their guard.

After which, Mr. Adams taking an affectionate leave of the company, proceeded on his journey.

Same day Colonel Ward set out

for Head quarters.

We are informed by a person just come in from Philadelphia, that when the Bills and Lord North's speech were posted at coffee house and other public places, the officers of the army, particularly the Scotch, were highly incensed, and pulled them down, which obliged General Howe to interpose his authority for suppressing the disorder.

To the People of America. Friends and brethren,

On comparing Lord North's speech in Parliament, and the two subsequent Bills for composing the diforders in America, with the general conduct of Great Britain towards us. I cannot help forming the idea of a public infult being offered to the understandings of mankind. The prevailing idea in the speech, and in the Bills, is to make peace with us on the same terms which we offered to prevent the commencement of hostilities. For this purpose Commissioners are to be fent over with power to declare a cessation of hostilities, and to revoke it. They are impowered to suspend the restraining Ast either partially or totally, during a limited zime, and all other Acts passed fince the 10th of February, 1763. were the Acts we objected to before the war commenced. It is likewise proposed to referve to Great Britain the appointment of fuch officers as they appointed heretofore. Let us now confider the difference of circumstances, since we proposed those Then we were without government, without men, without public funds, without military stores, Under all these disadvantages we carried on the war for one campaign fuccessfully. At the end of that campaign, on comparing the dispofition and strength of both parties, the people of all America instructed their delegates, in Congress, to declare that they would no longer abide by those terms. Accordingly the declaration of Independence was published, in which we pledged every thing dear to us, that we would effect a total separation between these States and Great Britain. In support of this declaration, we have continued the war through a fecond and a third campaign; and notwithstanding the expence of blood and treasure, with which it has been attended, our refources both of men and money, are infinitely superior to what they were at the beginning of the war. Our Government is vigorous; the administration of justice is regular and impartial; our ports are filled with the wealth of Britain. We have well regulated finances. The enemy's force, amounting to fixty thousand men, has been foiled, and one of their armies obliged to furrender. The wifdom of our Councils, and the bravery of our troops, have gained us the admiration of Europe. France has already recognized our independence and fovereignty; and a treaty has been signed by Plenipotentiaries, on both sides. At this time Great Britain infolently declares, that if we will recede from our declaration, they do not intend to exercise the right of taxation, any further than shall be for the regulation of trade. the States of America, with all their present advantages, protect their own trade.

trade, or have they not wisdom to regulate it? Suffer not the most ungenerous minds to entertain an idea so unworthy of your former exertions.

The speech proposes to raise woluntary contributions, instead of taxes; and that we shall be put out of the King's protection, unless we will contribute. Both parties have already agreed in this point. The Parliament declared our property the object of general plunder, without any discrimination of persons. Can any act put us more effectually out of the King's protection? After this we declared, that we would not again accept of his protection.

It is also said, that "they (the Commissioners) would considerably aid the operation of war." How was this possible, but by delaying our operations, under pretence of a sham treaty, till their force should be ready to act? Nothing further is necessary to convince us, that the present pra-

position is infidious.

Are we then to receive terms from the defeated party? Are we to give up our present real and substantial advantages, in order to obtain a precarious protection, which we have already declared that we will not receive; forbid it, Heaven! that fuch an unworthy idea should disgrace the patrons of liberty, and the protectors of virtue. We have already undergone the utmost severities of war; we have had our towns burnt, and pur coasts ravaged; and shall we now, when we have rifen superior to our difficulties, condescend to accept terms dictated by a nation who are on the point of asking our protection? We have been fingularly prospered by Heaven. We are now better able to continue the war, than we were during the first campaign. Our prizes amount to more than our public We have it in our power, by one vigorous exertion, to free our country from the enemy for ever. Let us then do our duty, and rein-

force our army. It is already confessed, that General Washington appears with fome superiority in the By a speedy exertion we shall field. drive the enemy from our coasts. Then we shall be ready to treat, and not before. The fentiment expressed by Congress is, "We are determined to live free, or not to live at all." It is our business to dictate the terms of peace, agreeable to the old republican maxim, " Never agree to a peace but after a victory." Never let it be said, that the States of America, after struggling through a bloody and expensive war, after defeating their enemies, after assuming their proper rank among the powers of the earth, and performing all those acts which belong to fovereignty, were base enough to relinquish their Independence, and to return to a flate of fervile submission.

If any other arguments are necesfary, confider, that by supporting our Independence, we shall enjoy a free trade with all nations, and center the wealth of the world in the bosome of America, as heretofore it centered in Britain. Our extensive sea-coasts entitle us to a greater share of trade than any other power. Our various climates, and consequently various produce, together with our naval stores, will secure us an extensive commerce. Our immense territory will render us the greatest power in the world. Our trade will then be subject to no duties, but such as will tend folely to the benefit of our country: and our power will fecure us from invasion. We have nothing to fear from perseverance, and every thing from submission.

In our relation to foreign powers, we shall be at such a distance, as will prevent our being under a necessity of engaging in war; and if we should engage, it will belong to us, more than to any other empire, to turn the scale. If we submit, we shall become subservient to the interest of

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Great Britain. We shall be obliged to engage in war, whether we chuse it or not; and at the option of that Crown, may be furrendered to another nation. These evils we have it now in our power to avoid. Let us exert ourselves in season. We may enjoy peace, and all the advantages of trade, if we reinforce our army immediately. It is therefore our duty to make this effort. It is not our business at present to consider what terms of peace are to be treated of, but how we shall expel the armies of a nation, that has done us injuries never to be forgiven. Let any one read the declaration of Independence, and compare it with the conduct of Great Britain, he will find every article of the declaration justified. We have therefore all the same reafons which we then had, and many . additional ones, for refusing these Great Britain has made rapid advance in the road to de-She will shortly arrive at the end of her career. Surely then it would derogate from the dignity of these States, to make peace with her on any other terms than we shall propose. We have this effential advantage, that while the efforts of Great Britain are only the expiring agonies of a great nation, the efforts of these States are first exertions of a people in the full vigour of manhood. Let us implore the God of armies to continue his protection, and to bless us in our labours for the defence of our country. He has hitherto fucceeded us beyond our most sanguine expectation. language to us appears to be "Come out of her my people, that ye be not partakers of her fins, and that ye receive not her plagues. For her fins have reached into Heaven, and God hath remembered her iniquities."

MARCUS BRUTUS. Massachusetts-Bay, May 2, 1778. Boston, May 4. Last Friday the Dean frigate, Samuel Nicholfon,

Commander, arrived at Portsmouth from France. She had nine weeks passage, and has brought a valuable cargo, confisting of 12,000 suits of cloaths for the army, complete, a large quantity of copper, tin, and lead, besides many other valuable articles.

Boston, May 11. General Lee, Colonel Ethan Allen, and seven Fieldofficers, are entirely and fully ex-General Lee is to join changed. the main army immediately.

Boston, May 14. Yesterday being the annual meeting for the choice of representatives for this town the enfuing year, the following gentlemen were chosen, viz. Hon. John Hancock, Efq. Hon. William Phillips, Esq. Hon. John Pitts, Esq. Oliver Wendell and Caleb Davis, Efgrs. Mr. Ellis Gray and John Lowell, Efq. Extract of a letter from a gentleman

in Nantz, to another in this town, dated 25th March, 1778.

"It must undoubtedly give you great pleasure, my dear friend, to hear that our Independency is acknowledged in form by the Court of On the 20th instant, the Commissioners were received as Ministers Plenipotentiary of the United States of America, and the next day the English Ambassador went off without taking leave. . Orders are given to seize all English vessels that are found in any French port, and an open declaration of war is daily expected. At the reception of our Ministers, the King (addressing himfelf to Dr. Franklin) said, he was happy in acknowledging the Independence of America, and that the condition of the treaty, on the part of France, should be faithfully obferved. The Doctor answered to the same effect on the part of Congress. In England they are in the most humiliating confusion; they are driven to the last resource, and want to make peace with us at any rate; peace, peace, is the cry of the nation;

tion; but as the weak Ministers have fill the foolish hope of persuading us to renounce our Independence, I imagine their plan will only be another public proof of their foolish obflinacy."

Head Quarters, Camp, Valley Forge, May 5.

Extract from General Orders.

Ruler of the Universe propitiously to defend the cause of the United American States, and finally, by raising us up a powerful friend among the Princes of the earth, to establish our liberry and independence upon a lasting soundation, it becomes us to set apart a day for gratefully acknowledging the Divine goodness, and celebrating the important event which we owe to his Divine interposition.

femble for this purpose at nine o'clock to-morrow, when their Chaplains will communicate the intelligence contained in the postfcript of the Pennsylvania Gazette of the 2d instant (which gave an account of the treaty between France and the United States brought by Silas Deane, Esq. in Le Sensible, a French frigate of 28 guns) and offer up a thansgiving, and deliver a discourse suitable to the occasion.

" At half past ten o'clock a cannon will be fired, which is to be the fignal for the men to be under arms; the brigade inspector will then inspect their dress and arms, form the battalions according to the instructions given them, and announce to the Commanding Officers, that the battalions are formed; the Brigadiers and Commandants will then appoint the Field Officers to command battalions; after which each battalion will be ordered to load and ground At half past eleven their arms. another cannon will be fired, as a fignal for the march, upon which the leveral brigades will begin their march by wheeling to the right by platoons, and proceed by the

nearest way to the less of their ground, in the new position that will be pointed out by the brigade inspectors. A third signal will be a discharge of thirteen cannon, when the thirteenth has fired, a running sire of infantry will begin on the right of Woodford's, and continue throughout the whole front line, it will be then taken up on the lest of the second line, and continue to the right; upon a signal, the whole army will huzza, "Long live the King of France."

"The artillery then begin again, and fire 13 rounds; this will be succeeded by a second general discharge of all the musquetry in a running fire, huzza, "Long live the friendly European powers." When the last discharge of 13 pieces of artillery will be given, followed by a general running fire, huzza "for the American States."

Agreeably to the above orders, his Excellency General Washington, his amiable Lady and suite, Lord Sterling, the Countess of Sterling, with other General Officers and ladies, attended at nine o'clock at the Jersey brigade, when the postscript, mentioned above, was read, and after prayer a suitable discourse was delivered to Lord Sterling's division, by the Rev. Mr. Hunter.

Upon the fignal at half past eleven, the whole army repaired to their alarm-posts, upon which General Washington, and the General Officers reviewed the whole army at their respective posts, and after firing the cannon and musquetry, and the huzzas were given, agreeable to orders, the army returned to their respective brigade parades, and were dismissed.

All the officers of the army then affembled, and partook of a collation provided by the General, at which several patriotic toass were drank, accompanied with three cheers. His Excellency took leave of the officers at five o'clock, upon which there was

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an universal huzzaing, "Long live General Washington," and clapping hands until the General rode some distance, the non-commmissioned officers and private men followed the example of their officers, as the General passed their brigades. Approbation, indeed, was conspicuous in every countenance, and universal joy reigned throughout the camp."

In Congress, May 6, 1778.

Whereas Congress have received from their Commissioners at the Court of France, copies of a treaty of amity and commerce, and of a treaty of alliance, between the Crown of France and these United States, duly entered into and executed at Paris on the 6th of February last, by a Minister properly authorized by his Most Christian Majesty on the one part, and the faid Commissioners on the other part: and whereas the faid treaties have been maturely confidered and unanimously ratified and confirmed by Congress. In which faid treaty of amity and commerce are the articles following, to wit:

ART. VI. The Most Christian King shall endeavour, by all the means in his power, to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the United States, or any of them, being in his ports, havens, roads, or on the feas near to his countries, islands, cities, or towns; and to recover and restore to the right owners, their agents or attornies, all fuch vessels and effects which shall be taken within his jurisdiction; and the ships of war of his Most Christian Majesty, or any convoy failing under his authority, shall upon all occasions take under their protection all vesfels belonging to the subjects, people, or inhabitants of the faid United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels, so long as they hold the same course, or go the same way, aginst all attacks, Vol. VI.

force, and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the Most Christian King.

ART. VII. In like manner the faid United States, and their ships of war sailing under their authority, shall protect and defend, conformably to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the Most Christian King, and use all their endeavours to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them

ART. XIV. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

ART. XV. If, by the exhibiting of the abovefaid certificates, the other party discover there are any of those forts of goods which are prohibited and declared contraband, and configned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether fuch thip belongs to the subjects of France, or the inhabitants of the faid. United States, unless the lading be brought on shore, in the presence of the officers of the Court of Admiralty, and an inventory thereof made, but there shall be no allowance to sell, exchange, or alienate the same in any manner, until after due and lawful

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process shall have been had against fuch prohibited goods, and the Court of Admiralty shall, by a sentence pronounced, have conficated the fame; saving always, as well the ship itself, as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be conficated as lawful prize; but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor who has discovered them, in such case, the captor, having received those goods, shall forthwith discharge the ship, and not hinder her by any means freely to profecute the voyage on which she was bound; but in case the contraband merchandize cannot be all received on board the vessel of the captor, then the captor may, notwithflanding the offer of delivering the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

ART. XVI. On the contrary, it is agreed. That whatever shall be found to be laden by the subjects and inhabitants of either party, or any thip belonging to the enemies of each other, or to their subjects, the whole, although it be not of the fort of prohibited goods, may be confifcated, in the same manner as if it belonged to the enemy, except fuch goods and merchandize as were put on board fuch ship before the declaration of war, or were after fuch declaration, if so be it were done without knowledge of fuch declaration; fo that the goods of the subjects and people of either party, whether they be of the nature of fuch as are prohibited or otherwise, which, as is aforesaid, were put on board any ship belonging to the enemy before the war, or after the declaration of the same, without

the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that, if the said merchandize be contraband, it shall not be any ways lawful to carry them afterwards to any port belonging to the enemy; the two contracting parties agreeing, that the term of two months being past after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ART. XVII. And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they fuffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his Most Christian Majesty and of the United States, and all their subjects and inhabitants shall be forbid doing any injury or damage to the other fide; and if any act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person

and goods.

ART. XX. If any ship belonging to either of the parties, their people or subjects, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damages, all friendly assistance and relief shall be given to the perfons shipwrecked, or such as shall be in danger thereof, and letters of safe conduct shall likewise be given them, for their free and quiet passage from thence, and the return of every one to his own country.

ART. XXI. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any ur-

gent necessity of feeking for shelter or harbour, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received, and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships, and convenience of their voyage; and they shall no ways be detained, or hindered from returning out of the faid ports or roads, but may remove and depart, when and whither they please, without any let or hindrance.

ART. XXV. It shall be lawful for all and fingular the subjects of the Most Christian King, and the citizens, people, and inhabitants of the faid United States, to fail with their fhips with all manner of liberty and fecurity, no distinction being made who are the proprietors of the merchandize laden thereon, from any port, to the places of those who now are, or hereafter shall be at enmity with the Most Christian King or the United States. It shall likewise be lawful for the fubjects and inhabitants aforefaid, to fail with the ships and merchandize afore-mentioned. and to trade with the fame liberty and fecurity from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatfoever, not only from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince, or under feveral: and it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of the confederates,

although the whole laden, or any part thereof, should appertain to the enemies of either, contraband goods being abways excepted: it is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out-of that free ship, unless they are soldiers, and in the actual service of the enemy.

ART. XXVI. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods shall be comprehended, arms, great guns, bombs with their fusees, and other things belonging to them, cannon-ball, gunpowder, match, pikes, fwords, lances, spears, halberts, mortars, petards, grenadoes, falt-petre, muskets, musket-ball, bucklers, helmets, breaftplates, coats of mail, and the like kind of arms, proper for arming the foldiers, muket-refts, belts, horfes with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among contraband or prohibited goods, that is to fay, all forts of cloths, and all other manufactures woven of any wool, flax, filk, cotton, or any other materials whatever; all kinds of wearing apparel. together with the species whereof they are used to be made, gold and filver, as well coined as uncoined, tin, iron, latten, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and likewife all manner of spices, salted and smoaked slesh, salted fish, cheese, and butter, beer, oils, wines, fugars, and all forts of falts, and in general all forts of provisions which serve for the nourishment of mankind and the suftenance of life; furthermore, all kinds of cotton, hemp, flax, tar, Dd_2 pitch,

pitch, ropes, cables, fails, fail-cloths, anchors, and any parts of anchors, also ships masts, plank boards and beams, of what trees foever, and all other things proper either for building and repairing ships, and all other goods whatsoever, which have not been worked into the form of any instrument or thing prepared for war by land or sea, shall not be reputed contraband, much less such as have been already wrought and made up for any overture; all which shall be wholly reckoned among free goods, as likewise all other merchandize and things, which are not comprehended and particulary mentioned in the foregoing enumeration of contraband goods, so that they may be transported and carried in the freest manner, by the fubjects of both confederacies, even to places belonging to an enemy, such towns or places being only excepted as are at that time befieged, blocked up, or invested.

ART. XXVII. To the end that all manner of diffentions and quarrels may be avoided and prevented, on one fide and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea letters or passports, expressing the name, property and bulk of the ship, as also the name and place of the habitation of the master, or commander of the said ship, that it may appear thereby that. the ship really and truly belongs to the subjects of one of the parties; which paffports shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year, it is likewife agreed, that such ships being laden, are to be provided not only with passports as above-mentioned, but also with certificates, containing the several particulars of the cargo,

the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board of the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed forms; and if any one shall think it sit or adviseable to express in the said certificates the person to whom the goods on board belong, he may freely do so.

ART. XXIX. If the ships of the faid subjects, people or inhabitants of either of the parties shall be met with, either failing along the coasts, or on the high seas, by any ships of war of the other, or by any privateers, the faid ships, of war, or privateers, for the avoiding of any diforder, shall remain out of cannon shot, and may fend their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three only, to whom the master or commander of such ship or veffel shall exhibit his passport concerning the property of the ship, made out according to the form inferted in this present treaty; and the ship when she shall have shewed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chace, or force her to quit her intended courfe.

Form of the passports and letters, which are to be given to the ships and barques, according to the 27th article of this treaty.

To All who shall see these Presents,

Greeting.

It is hereby made known, that leave and permission has been given master and commander of the ship called of the town of burthen tons, or thereabout, lying at present in the ports and haven of and bound for and laden with after that this ship has been visited,

and before failing he shall make oath before the officers who hath the jurisdiction of maritime affairs, the faid ship belongs to one or more of the subjects of the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinance and regulations, and enter into the proper office a list, signed and witnessed, containing the names and firnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and Judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colours, arms and enfigns of the King, or United States, during his voyage. In witness whereof, we have figned these presents, and put the seal of our arms thereunto, and caused the fame to be counterfigued by

the day of Anno Domini

Now therefore, to the end that the faid treaty may be well and faithfully performed and kept on the part and behalf of the United States,

Refolved, That all Captains, Commanders and other officers and seamen belonging to any of the vessels of war of these United States, or any of them, or of any private armed vessel commissioned by Congress, and all other the subjects of these United States, do govern themselves strictly in all things according to the above recited articles, and that they do afford the same aid and protection to the persons, commerce and property of the subjects of his Most Christian Majesty, as is due to the persons,

commerce and property of the inhabitants of these United States.

And further, It is recommended to all the inhabitants of these States. to consider the subjects of his Most Christian Majesty as their brethren and allies, and that they behave towards them with the friendship and attention due to the subjects of a GREAT PRINCE, who with the highest magnanimity and wisdom, hath treated with these United States on terms of perfect equality and mutual advantages, thereby rendering himfelf THE PROTECTOR OF THE RIGHTS OF MANKIND.

Extract from the Minutes, CHARLES THOMSON. SEC.

Copy of a letter fent by WILLIAM TRYON to his Excellency Governor TRUMBULL.

New-York, April 17.

Having been honoured with the King's commands to circulate the inclosures to the people at large, I take the liberty to offer them to you for your candid confideration, and to recommend that through your means, the inhabitants within your province may be acquainted with the fame, as also the other provinces to the Eastward.

I am, Sir, your obedient, WILLIAM TRYON.

Gov. Trumbull.

His Excellency's Answer. Lebanon, April 23.

Sir,

Your letter of the 17th instant, from New-York, is received with its inclosures, and the feveral fimilar packets of various addresses with which it was accompanied.

Propositions of peace are usually made from the supreme authority of one contending power to the fimilar authority of the other; and the prefent is the first instance within my re-

collection

coffection when a vague, half-blank, and very indefinite draught of a Bill, once only read before one of the three bodies of the Legislature of the nation, has ever been addressed to the people at large of the opposite power, as an overture of reconciliation.

There was a day when even this fep, from our then acknowledged Parent State, might have been accepted with joy and gratitude; but that day, Sir, is past irrevocably. The repeated rejection of our fincere and fufficiently humble petitions; the commencement of hostilities, the inhumanity which has marked the provocation of the war on your part, in its several stages, the insolence which displays itself on every petty advantage, the cruelties which have been exercised on those unhappy men, whom the fortune of war has thrown into your hands. All these are insuperable bars to the very idea of concluding a peace with Great Britain, on any other conditions, than the most absolute perfect Indepen-To the Congress of the dence. United States of America, therefore, all proposals of this kind are to be addressed; and you will give me leave, Sir, to fay, that the present mode bears too much the marks of an infidious defign, to difunite the people, and to lull us into a flate of quietude, and negligence of the necessary preparations for the approaching campaign. If this be the real defign, it is fruitless. If peace be really the object, let your proposals be addressed properly to the proper power, and your negociations be honourably conducted; we shall then have some prospect of (what is the most ardent wish of every honest American) a lasting and honourable peace. The British nation may then, perhaps, find us as affectionate and valuable friends as we now are determined and fatal enemies, and will derive from that friendship more solid

and real advantage than the most last = guine can expect from conquest.

I am, Sir,
Your humble fervant,
Jon. TRUMBULL.

Will Tryon, Efg.

Friday last 6 American Colonels, 4 Majors, 15 Captains, 50 Subalterns, and 51 private men, went from hence in two boats for Elizabeth-town Point, in order to be exchanged for the like number of British or Hessian soldiers now prisoners among the Americans.

New-York, May 9. The following is a list of the General Officers now ferving in the American army, with the order in which they rank, and the provinces to which they belong.

GEORGE WASHINGTON, Com-

mander in Chief, Virginia, His commission dated June 15, 1775.

Major-generals. Charles Lee, his commission dated June 17, 1775; Philip Schuyler, New-York, June 19. 1775; Ifrael Putnam, Connecticut; William Heath, Massachusetts; Adam Stephens, Virginia, broke; Benj. Lincoln, Massachusetts-Bay; Joseph Spencer, Connecticut; John Sullivan, New-Hampshire; Nath. Green, Rhode-Island; William Earl Stirling, New-Jersey; Thomas Mifflin, Pennsylvania; Arthur Sinclair, Pennfylvania; Horatio Gates, Virginia; Benedict Arnold, Connecticut; Marquis le Fayette, France; Robert Howe, North-Carolina; Alexander M'Dougal, New-York; Baron de Call, Germany; Thomas Conway, France.

Brigadiers. William Thompson, Penniylvania; John Nixon, Massachusetts; Samuel Parsons, Connecticut; James Clinton, New-York; Christopher Gadsden, South-Carolina; William Manyshell, ditto; Laughlin M'Intosh, Georgia; William Maxwell, New-Jersey; Matthew Alexis, France; De Roche Fernoy, ditto; P. Horne de Bou, ditto; Henry Knox, artillery, Massachusetts;

Francis

Francis M'Nash, ditto; Enoch Poor, New-Hampshire; John Glover, Massachusetts; John Paterson, ditto; Anthony Wayne, Pennsylvania; James Vernon, Rhode-Island; Peter Mulenberg, Virginia; George Weedon, ditto; William Woodford, ditto; Edward Hand, Pennsylvania; Ebenezer Learned, Massachusetts; Jediah Huntington, Connecticut; Count Pulaski, Poland; —— Stark, New-Hampshire.

The following is a genuine extract of a letter from North-America to a person of some consequence in London. After speaking in very bold terms of the K-, the writer thus proceeds: "This was all the duty we owed him, and all he had a right to require. Our own mutual obligations, as his subjects, were to live in brotherly affection, and in all our proceedings to maintain an unblemished reputation for integrity and public virtue. affection we happily enjoyed, and this reputation we immutably preserved, till your pompous legislative authority, mistaking caprice for law, deprived us of our felicity, and entailed everlasting ignominy on yourselves. This capricioussness of conduct proceeded from a jealousy of power, that meanly envied our happiness.

"I told you, from the very beginning of this unhappy dispute, that we would never suffer ourselves to be enslaved. Had your laws ceased to have been oppressive, we should have ceased to oppose them: but no: If these haughty people, said your much haughtier Minister, have too much indulgence, they will become, in process of years, ungovernable and rebellious. This was the language of a petty tyrant, whom all Europe must despise.

"To whom, tell me, should a free-born subject crouch? There is no prerogative in nature, except that of chartered right, to which an individual owes respect. Can tyranny ensure obedience like that mild, pure mode of governing, which establishes in the heart its dominion, by noble and generous acts.

"The free natives of America are not what they have been ignorantly pronounced. If they have been difaffected, their disaffection was the refult of the most barbarous oppression, exercised by a set of men, whose excessive wickedness and ignorance every honest man must execrate."

London, June 25. The Atalanta floop of war is arrived express from Pensacola. She was dispatched on the 12th of April, by Mr. Chester, Governor of West-Florida, with the following very difagreeable intelligence :-- That Brigadier-general Morgan, with an army of three thousand men, had been fent by Congress from Fort Pitt, on the Ohio river, early in the spring, down that river to the Missisppi, upon an expedition against the colony of West-Florida; that he had detached an advanced party, under Lieutenant-colonel Willing, to the British settlement at the Natches: (the most considerable settlement in the province of West-Florida) and he had feized the negroes, destroyed the plantations, and made prisoners of all the fettlers, who refused to take an oath of allegiance to the United States of North-America; that above two hundred of these negroes were fent to, and fold at New Orleans; that the Spanish Governor, and inhabitants of that colony, had afforded the Americans every degree of facilitation and assistance in their power, in batteaus, provisions, &c. and great numbers of the inhabitants had joined the American army.

The whole of the British force at Pensacola, did not exceed 560 men, rank and file. Lieutenant-colonel Steel, who commanded there, when the Atalanta sailed, was constructing a redoubt before the saliant angle of the fort; (which was only a stockaded.

ed, or picketed fortification) but there was not the smallest hope of his making a long, or successful defence, as General Morgan had an excellent forts are wanting; masts, train of brass six and twelve-pounders, mortars, howitzers, &c.

London, June 26. In March last a Spanish register ship from the Havannah, arrived at Charles-town, in South-Carolina, with nine hundred thousand dollars; for which she took Congress bills. There are two Spanish agents resident at Charles-town; who act also as merchants. On the fecond of April, there were two hundred and fourteen vessels at Charlestown; and from five to ten fail, arrive and fail as often as winds permit.

Extract of a letter from Brest, May 15. "The 22 men of war, and the 14 frigates of 32 guns, fitted out in this port, are almost all in the road. Most of the ships are of 74 guns, and three are of 80. We are besides equipping three more ships of the line, of 74 guns, to join those already in the road. What we can learn for certain concerning this fleet is, that it will be commanded by Lieutenant-generai Count d'Orvilliers, who is to have under him the Duke de Chartres and the Count Duchaffault, both Lieutenants-general."

London, June 2. A few days ago the Alert cutter was ordered to look into Brest. But she had not got beyoud the Black Rocks, before a French man of war came out, and fired no less than fourteen shot into ber; but the Alert being a most exceeding swift failer, got off, and arrived at Plymouth last Saturday with this intelligence.

A correspondent at Portsmouth writes, that the navy of Great Britain were never in fo rotten, foul, and weak condition; the ships in commission not half manned, &c. as at present. He says, no nation was

ever so imposed upon as this is. Immense sums have been expended, and nobody knows how; fores of all cordage, &c. there is an equal want of small stores of every kind.

Extract of a letter from Portsmouth, May 30.

" The Cumberland, Elizabeth, and Berwick, of 74 guns each, not having men, and not being ready or fit for sea, remain at Spithead.

" What is become of the great fleet Lord Sandwich boafted of? when after six months preparation, he cannot produce more than 30 fail of the line, instead of the 42 he pretended were ready for fea above fix months ago."

Extract of a letter from Portsmouth, June 1.

"On Saturday Admiral Keppel, with his division, fell down to St. Helen's, where he remains. Yesterday an embargo was laid on all shipping, fo strict, that they do not even let the small market boats pass between this and the island."

This embargo was general upon The reason of it was all the ports. to get failors to man the fleet. fuch circumstance happened during the whole of the last war. Admiral Keppel's fleet had been stripped of both stores and men to equip another ficet, the command of which was given to Admiral Byron, and destined to North-America. The embargo lasted almost a fortnight.

On the 20th of May Admiral Byron and Admiral Hyde Parker failed from Portsmouth with the following fhips:

90 Princess Royal, 74 Culloden, Fame, 74 Royal Qak, Invincible, Grafton, Bedford. Ruffel.

Cornwall, Sultan. Albion. Conqueror, But the Ministers not knowing whether Count d'Estaing's squadron

was destined to the East-Indies, the West-Indies, or North-America, sent an express to stop his final failing till . further orders.

London, June 6. Yesterday morning Captain Sutton, of the Proferpine, arrived at the Admiralty, express with an account, that the French fleet from Toulon were not only got out of the Mediterranean, but that he had failed ninety leagues with them in the Atlantic, and that he left them in lat. 34. and long. 7.

The Ministers were relieved from their doubts by this information. They determined to fend Admiral Byron to North America; at the same time to give him the command on that station, by sending with him that leave to return home which Lord Howe had defired.

Plymouth, June 9. This morning . failed Admiral Byron with his fquadron, for North-America. Also Admiral Montagu in the Europa; with the trade for Newfoundland.

London, June 111 Admiral Keppel continues at St. Helen's. It is given out that he is stopped failing by orders: but the fact is, he cannot fail

for want of flores.

Pertsmouth, June 12. After ftraining every nerve to equip the fleet, Admiral Keppel failed this day. His orders are to cruize off Ushant, and when he returns to come to St. He-We are informed the French fleet at Brest are twenty-one sail of the line, and no more; it is the information from the Board of Admiralty, and we have at present no other. The following is a lift of Admiral Këppel's fleet :

Gs. 74 Hector, 100 Victory, 90 Queen, Monarch. Ocean, Berwick, Sandwich, Elizabeth, Prin. George, Cumberland, 80 Foudroyant, Rebuft, 74 Egmont, 64 Exeter, Valiant, America, Vol. VI.

74 Courageux, 64 Stirling Castle, Ramillies, Bienfaisant.

The Shrewsbury (of 74) went with the fleet from Portsmouth, but the crew being very fickly, she was left

at Plymouth.

A fleet of transports, with the stores, i. e. gunpowder, mortars, &c. the Manchester regiment, Governor Boyd, and the young Earl of Chatham, &c. sailed at the same time for Gibraltar. Admiral Keppel will fee them safe past Brest.

Extract of a letter from Portsmouth, May 24.

" Yesterday the Ruby man of war, Captain Dean, and the Boyne ditto. Captain Sawyer, of 74 guns each, with about 80 fail of West-Indiamen. under their convoy, dropped down to St. Helen's, and will fail tomorrow."

London, May 27. Nothing can be equal to the mismanagement and shameful neglect which, at present, prevails in the feveral departments of State, but particularly in all naval matters, a striking instance of which is the following: ---- A confiderable part of the West-India fleet, loaded with flores and provisions of various kinds, absolutely necessary to the preservation of our sugar islands, have been at Portsmouth waiting for convoy for upwards of three months, and the whole of that fleet, confifting of eighty fail of ships, have actually been ready and waiting at Portimouth these five weeks past, and yet, although the winds have been perfectly fair fince the 19th, they did not fail till yesterday, owing to the Ruby and Boyne men of war, their convoy, not being ready.

To the Right Honourable the LORDS of the AdmiraLty.

An Address from the Merchants and MASTERS of Ships, who are waiting for a convoy at Portsmouth. My Lords.

We the merchants and masters of thips,

flilps, whose names are hereunto subfcribed, take this public method of informing your Lordships, that purfuant to your Lordships orders, there was a convoy appointed to fail with the West-India seet the 10th of last April, which was advertised for a considerable time before in the newspapers; in consequence of which we freighted our ships, and sent them to Portsmouth, and were in readiness to fail the day appointed; most of us have been waiting here fince last February, which has been attended with a great loss and vast expence, and notwithstanding our repeated remonstrances to your Lordships, you have fuffered us to remain here ever fince, and have been deaf to our entreaties; and though this is now the 18th of May, we cannot yet learn or understand when the convoy will fail; is not this shameful usage, my Lords, thus to deceive the public in general? There are 200 ships loaded with provisions, and other commodities, for the West-Indies, waiting at Spithead these three months past; the expence of those ships, from the nearest calculation we have made, upon an average, amounts to 150l. monthly, fo that the expence of the whole West-India fleet fince last February, amounts to the enormous fum of 90,000l.

How can the nation thrive, when the principal supporters thereof are daily oppressed and impoverishing? We cannot but express our indignation at the conduct of those wicked men, who have reduced us to this grievous and lamentable fituation, who have involved us into labyrinths of difficulties, plunged the nation into a most unnatural and fatal war of thickest foes; who have imbrued their hands in the effusion of their country's blood, and thereby exhausted so much treasure, and have caused such crouds of numerous and powerful enemies to traverse the seas, ready and prepared to attack and intercept us, whole refentment and

strength we have sadly experienced these few years past, by the loss of lives and property; and what is still more lamentable and aggravating, that we are not at this time allowed a protection from those justly enraged enemies they have rifen up against us, but are forced to remain at Spithead, with our cargoes wasting and decaying, and the expences thereof swallowing up the principal; fuch distresses will occasion men of credit and property to turn bankrupts, and may be the inevitable ruin of them and their families ever after. "Sure there is some chosen curse, some hidden thunder in the stores of Heaven, red with uncommon wrath, to blast those men, who owe their greatness to their country's ruin!" who have tarnished the lustre of his Majesty's crown by their evil councils, have depopulated his empire, wasted the public treasures, sunk the public credit, have stagnated trade, and greatly impaired the commerce of his kingdoms, disgraced his Majesty's arms, weakened his naval power, the pride of the nation, and have suffered an union to take place between their former subjects and the ancient rivals of Great-Britain.-England, we fear, will shortly share the fate of Rome.

My Lords, you are sensible of the calamitous and desperate situation we are in; how the enormously growing expences of our ships and cargoes will be our inevitable ruin, if we remain here much longer; or should we sail without a convoy, we may become preys to our ravenous enemies, and then our miseries will indeed be compleated. Our distresses are truly grievous; we therefore repose our ultimate hopes and considence in your Lordships, that you will order a convoy to sail immediately.

We are, my Lords, with due refpect, your Lordships dutiful, and most humble servants,

Joseph Wall, George Forbes, Abr. Crosthwait, George Smith,

Michael

Mich. Plunkett. Robert Gorden. Banks Moreton, Henry Gore, William White, Mich. Murphy, Marlbo. Grace. 'Nath. Clements, Bern. Crawford, John Cannon. Thomas Smith, Thomas Reilly, Richard Lee. · Henry Ennis, Matth. Howard, Will. Williams, John Reilly, Francis Hill, Henry Martin, Thomas Wation, Thomas Brown,

William Jones, Farrell White. Henry Right, Nath. Watson, G. Lovesport, William Flinn. Robert White, George Gorden, Marks Gore, Robert Neill. Andrew Molloy. Will. Thomas, Nich. Brangan, Tho. Sheridan. Will. Hawthorn, John Mason. Will. Carr, Walt. Goodman. Henry Graham, Nath. Keightley,

Portsmouth, May 18, 1778.

Extract of a letter from Portsmouth, May 13.

"Arrived just now the Grampus man of war, from Rhode-Island, having brought home General Burgoyne, who is just landed. His army is still detained by the Americans."

London, May 14. Last night while his Majesty was at the Theatre-royal in Drury-lane, advice was brought him of the arrival of General Burgoyne that day at Portsmouth. General Burgoyne left Rhode-Island the 20th ult.

The purpose of the General's arrival is said to be to establish his character. General Burgoyne wrote a letter to the Congress, and another to General Washington, desiring permission to go to England on his parole, as he feared his character might suffer by missrepresentation, if he was not present to justify his conduct, which request was immediately com-

London, May 15. Yesterday morning General Burgoyne immediately waited on Lord George Germain, at

plied with.

his house in Pall-mall, with whom he had a long conference.

London, May 16. The King has not feen General Burgoyne; and it has been fignified to him, his prefence at Court would be dispensed with.

London, July 2. This day Sir William Howe arrived in town from Philadelphia. He came in the Andromeda. He waited upon Lord George Germain next day, and the day following upon the King.

The packet that sailed for America in February last, carried General Howe's leave to come home. That packet arrived at New-York about

the beginning of April,

His presence here will, no doubt, put a stop to the infamous abuse. which the hirelings of Administration have, for two years and upwards, been unceasingly circulating against There never was an instance in the English history, in which officers, in their absence, have been so villainously traduced, slandered, and falfified, by the writers for Government, as the two Howes, General Burgoyne, and General Carleton, These brave officers, whose characters were unimpeached, till a the lead, were called upon by an administration, whose ignorance and imbecility is without parallel, to perform impossibilities. Without any general plan or pervading system in the outline of their orders, each officer was left to himself; there was no perfection in any separate design, no connexion between the component parts, no information, no ideas founded in truth; no general plan of operation; -how could fuch a conduct produce success? If success, as a miracle, should happen, then it was to be ascribed to the merit and wisdom of the Minister; but if defeat should happen, then the difgrace and cenfure were to be the lot of the officers. If any man of reflection were to ask this question, Why has the Minister E & 2 acted

seted in this manner? he might be anfwered by another question, which is, If all the British Ministers had been in the pay of France, during the last two years, could they have ferved that power more effectually than they have done? Yet, to the utter assonishment of all men of common sense, to the absolute incomprehension of this country, his Majesty, who affects to know and understand his own, and the nation's affairs, continues either blindly, or obstinately, attached to these very Ministers, who have lost America, and g furnish but too good reason for sufpicion, that they will lose England or Such are the miserable effects of governing, or imagining to govern, by an Administration who are all obedience in the closet; and who, being only third and fourth rate men, are, for the emoluments of office, content to be the tools of a fecret, confidential junto, consisting of certain low men, as despicable in under-Randing as depraved in principle; and who, by not being responsible for the measures they direct, are desperate, abandoned, and indifferent to all consequences. These creatures, or rather upstarts, are the authors of the public misfortunes. Nor is there fafety or justice for any man, while the spies and emissaries of Lord Bute and Lord Mansfield are suffered to be about the King.

London, July 16. Notwithstanding the paragraphs repeatedly inserted in the papers, abusing Sir William Howe, and asserting that he was recalled from the command of the army for not acting with more vigour against the enemy, we can assure the public, that Sir William Howe came home in consequence of leave obtained from his Majesty; that the reason why he chose to give up the command, was his not being supplied with proper

force.

Extract of a letter from Philadelphia,
April 5, 1778.

from the fentiments contained in your letter of what we have

been doing here, I can guess at those of others at home; but, depend upon it, every reflection against Sir William Howe's conduct, as well as General Burgoyne's, this laft campaign is unjust and undeserved. They did as much as could be done. People at home take upon them to judge and give their opinions, without confidering the many difadvantages that must attend an army acting in this country, where every person is our enemy. Had we been acting in a neutral country, where the inhabitants would have affifted either party. I would have pawned my life if the contest had not been fettled long ago in our favour; but here, even at Philadelphia, the difficulty we find in getting carriages and horses prevents our advancing quickly, as we are obliged to carry every thing from our shipping, no kind of assistance being to be had in the country. The vait distance that any reinforcement must come, and that always very small, must undoubtedly prevent any Commander in Chief, who acts with prudence, and confults the good of those under his command, from acting with that vigour which fanguine people expect, who do not foresee the dangerous consequences that would attend fuch measures.

"—— Every person in this army is, I believe, fully sensible of the propriety of Sir William Howe's conduct, and that is the strongest proof of it, as it is only people who are on the spot, and know every circumstance, that can be judges of it.—As to any blame being thrown upon him with regard to General Burgoyne, it is undeserved, as both of them had orders from home for their line of conduct, from which they could not deviate."

Philadelphia, May 23. On Monday last, the army, anxious to give Sir William Howe the most public and splendid testimony of the high esteem they entertain of him as a

General,

General, and of the affection and attachment which his popular conduct had secured to him from all ranks, both of officers and men, prepared a magnificent entertainment to grace his departure; it consisted of a variety of pares, and was therefore called the MISCHIANZA. The admiffion tickets were decorated with a fun just verging towards the horizon, with this inscription, Luces descendens aucto splendore resurgam. On the lower part of the shield was the sea, at top the General's crest, with the words vive vale; and at the bottom and all round different military trophies. The Fête began at four o'clock in the afternoon, by a grand procession on the river, consisting of three divisions—a galley and ten flat boats in each division: in the center division was the Hussar galley, with the General, the Admiral, General Sir Henry Clinton, and the Ladies of their party: three flat boats, with bands of music in each, led the proseffion.

They fet out from Knight's wharf, at a fignal from the Vigilant, and proceeded till they arrived off the market-place, where the Fanny armed ship was drawn off into the stream, and beautifully decorated with a variety of Colours. Here they lay on their oars while the music played " God fave the King." They then proceeded to the Old Fort, where a landing place was prepared, and as soon as the General landed, he was saluted with 19 guns from the Roebuck, and the same number from the Vigilant. The company as they quitted the boats, formed themselves into a line of procession, and advanced between two files of grenadiers till they came to a square of 400 yards on every fide, railed in and prepared for the tournament. In front of the square was Sir Harry Colder's house appearing through two triumphal arches, erected, one in honour of Lord Howe, the other of Sir Wil-

liam. Two fophas, in form of amphitheatres, formed the advanced wings of one of these arches: on these the ladies took their places, advancing to them through the center of the square. On the lowest seat of each were seven young ladies dressed in the Asiatic habits, and wearing the different colours of the knights, who chose them for their damsels; here the tournament commenced, when the elegance and richness of the different dresses of the Knights and Esquires, their horses trappings and caparisons, the taste displayed in their mottos and devices, the various evolutions and feats of arms they performed, exhibited altogether a spectacle as new, as it surpassed the most fanguine expectations of the beholders. As foon as the tournament ended, the Knights and Esquires, two and two, moved through the first triumphal arch, which was decorated with naval ornaments—At the top was the statue of Neptune with his trident—in the interior were the attributes of that God-and in a niche on each fide stood a failor with his fword drawn; on the two wings were plumes of feathers with this inscription on the entablature—Laus illi debetur, et a me gratia major. An avenue of 300 yards in length and 35 in breadth, lined with troops, and decorated with the colours of the different regiments, planted at proper distances, led to the second triumphal arch: between these colours the Knights, with their attendants, ranged themselves, and the company, preceded by all the music of the army. advanced in procession. They were led into the house through the second arch, erected in honour of the General; this arch was of the Tuscan order—on the pediment was Fame with her trumpet-in the interior was a plume of feathers, and military trophies, and on the entablature—I bone, quote virtus vocat tua, I pede fausto. The house within side was painted painted in a light elegant stile with sessions and several emblematical sigures; mirrors, girandoles and chandeliers, decorated with wreaths of different coloured gauze, adorned the walls. The company were entertained with tea and refreshments, and then danced till half after ten o'clock, the windows being then suddenly thrown open, a grand and beautiful display of fire-works was exhibited.

Towards the conclusion the triumphal arch next the house appeared magnificently illuminated, and Fame blew from her trumpet, in letters of light, "Thy laurels shall never

fade." -

After the fire-works the company fat down to a supper consisting of a thousand and twenty-four dishes, in a magnificent apartment built for the occasion, decorated in the same stile and elegance as the rooms in the house: the herald of the blended rose, in his robes of ceremony, announced by found of trumpet the King's health; the Queen and Royal Family; the army and navy, and their respective Commanders; the ladies. A falute of music and three cheers graced each of these toasts. supper the company returned to the ball-room, and at four o'clock they all withdrew.

By order of his Excellency Sir Wil-LIAM HOWE, K. B. General and Commander in Chief, &c. &c. &c. PROCLAMATION.

Whereas many inconveniences have arisen, and great injustice done to the inhabitants of this city, &c. by draymen and porters in declining their services when required, and the exorbitant prices they demand for their services: for preventing such abuses for the suture, I do, by virtue of the order aforesaid, in concurrence with the magistrates of the police, hereby ordain and declare, That no person or persons, from and after the publi-

cation hereof, shall follow the employ or business of a drayman or porter within the city of Philadelphia, without first making application to the magistrates of the police, and having his or their name or names regultered. and caused his or their carriage or drays intended to be used in said bufiness to be numbered, and obtaining a licence from the faid police, under the penalty of five shillings for every day he shall so follow said business. And it is hereby further ordained, That every drayman or porter, following the business aforesaid, within the faid city and its suburbs, shall number or cause to be numbered their respective carriages, on the outfide of one of the shafts, with the figure or number as shall be mentioned in his or their licence, in large figures not less than two inches in length, of durable tin or copper, and every drayman or porter who shall follow the faid business with any dray or carriage not numbered as aforefaid, or when numbered, shall noglect to keep them plain and visible, shall forfeit and pay five shillings for every day he shall use or employ such carriage not marked and numbered as aforesaid: and if any porter or drayman, not in actual fervice, shall refuse or neglect to work when called on at feafonable hours, by any merchant or other person whatsoever, he shall forfeit and pay the sum of five shillings for every such offence.

And I do farther, by the order and in concurrence with the magistrates aforesaid, ordain and declare, that the rates of porterage of goods, wares and merchandize within the said city, &c. shall be as follows:

For loading, hauling, unloading, and storing—

One pipe of wine, seven shillings and sixpence; and six shillings per pipe for any larger quantity.

One quarter cask of wine, two shillings and sixpence; and eighteenpence per cask for any larger quantity. One hoghead of rum or molafles five shillings; and four shillings per hogshead for any larger quantity.

Sugar and tobacco in hogheads, weighing from eight to ten hundred weight, four shillings per hogshead; and if weighing more than ten hundred, six shillings per hogshead.

Barrels of beef, pork, gammons, beer, cyder, pitch, tar, turpentine, oil, sugar, coffee, bread, flour, or any other barrels, weighing from one hundred three quarters to two hundred two quarters, one barrel fifteenpence; and one shilling per barrel for any larger quantity.

Tierces of rice, flax-feed, &c. one tierce two shillings; and eighteenpence per tierce for any larger quan-

tity.

Boxes of foap, candles, chocolate, bags of coffee, piemento, ginger, cocoa, or any other boxes, bags or packages, not more than one hundred weight each, one box or bag, ninepence; and fixpence per bag or box for any larger quantity.

Pig and bar iron, seven shillings

and fixpence per ton.

Tea, three shillings and nine pence a single chest; and three shillings per chest for any larger quantity.

Anchors, from four to eight hundred weight, five shillings each; and from eight to twelve hundred weight each, ten shillings.

Cordage, at the rate of fixpence per hundred weight.

Mill-stones, ten shillings each.

European and all other goods not before rated, five shillings per load, which shall be as much as can be conveniently put on a dray, not exceeding ten hundred weight; and when there is not a whole load, the porterage as near as may be to the rates of other goods.

And if any drayman or porter shall demand more for his service or labour than is fixed in the rates aforesaid, he shall forfeit and pay five shillings for every such offence.

And the several fines, herein before-mentioned, shall be recovered in a summary way, before any one of the magistrates of the police, and applied towards the support of the poor of said city.

Given under my hand at Philadelphia, this 13th day of February, in the eighteenth year of his Ma-

jesty's reign.

Jos. Galloway, Superintendant-general.

Pennsylvania, (s.

A PROCLAMATION.
By the Supreme Executive Council of
the Commonwealth of Pennsylvania.

Whereas the following named perfons, late and heretofore inhabitants of this State—That is to fay—Enoch Story, late merchant; Samuel Garrigues, the elder, late Clerk of the market and trader; James Stevenson, late baker; Abraham Carlile, housecarpenter; Peter Deshong, miller; Alexander Bartram, trader; Christian Hook, attorney at law; Peter Miller, scrivener; Lodowick Kerker, butcher; Philip Marchinton, trader; Edward Hanlon, cooper and vintner; Alfred Clifton, gent. and Arthur Thomas, breeches-maker; all now. or late of the city of Philadelphia: and Thomas Livezley, late of the township of Roxborough, miller; John Roberts, late of the township of Lower Merion, miller; Robert Iredale, the younger, and Thomas Iredale, both late of the township of Horsham, labourers; Joshua Knight, late of the township of Abingdon, blacksmith; John Knight, tanner; Isaac Knight, husbandman; Albinfon Walton, late of the township of Biberry, husbandman; John Smith, late guager of the port of Philadelphia; and H. Hugh Ferguson, Commissary of prisoners for General Howe, all late of the county of Philadelphia: and Samuel Biles, Efquire, late Sheriff of the county of Bucks ? Walter Willet, late of the township

of Southampton, husbandman; Richard Hovenden, late of the township of Newtown, trader; and William Moland, late of the township of Warminster, husbandman; all late of the county Bucks; and Henry Skyles, Thomas Bulla, and David Dawson, husbandmen; Jacob James, late of the township of Goshen, innkeeper; Joseph Thomas, (heretofore Subsheriff) yeoman; Nathaniel Vernon, junior, labourer; and John Swhanwick, late of the custom-house, Philadelphia; all late of the county of Cheffer: and John Rankin, and Evan Griffith, husbandmen; William Love, late of the township of York; John Wilson, late of the township of Huntingdon; and James Brakin, late of the township of Tyrone; all late of the county of York: and William Thomas, James Pugh, Samuel Koster, John Koster, Joshua Thomas, Hugh Pugh, and Joseph Sutton, husbandmen; John Holder, miller; ... Henry Oswalt, house-carpenter; Jacob Holder and George Holder, labourers; and Owen Roberts sawmill-man; all late of the county of Northampton: and Michael Witman, innkeeper; Matthew M'Hugh, of Lebannon, innkeeper; George Reine, of Earle township, miller; John Reine, and Ingleholt Holtzinger, hufbandmen; all late of the county of Lancaster: and Francis Sanderson, heretofore of the borough of Lancaster, and late of Baltimore, in the State of Maryland, copper-fmith, have feverally adhered to, and knowingly and willingly aided and affifted the enemies of this State, and of the United States of America, by having joined their armies at Philadelphia, in the county of Philadelphia, within this State; we the supreme Executive Council aforesaid, by virtue of certain powers and authorities to us given by an Act of General Affembly, entitled, "An Act for the at-* tainder of divers traitors, if they render not themselves by a certain day,

and for vefting their estates in this Commonwealth; and for more effectually discovering the same, and for ascertaining and satisfying the lawful debts and claims thereupon," do hereby strictly charge and require the faid persons to render themselves respectively to some or one of the Justices of the Supreme Court, or of the Justices of the peace of one of the counties within this State, on or before Thursday the 25th day of June next enfuing, and also to abide their legal trial for such their treasons, on pain that every of them the faid perfons, not rendering themselves as aforesaid, and abiding the trial as aforesaid, shall, from and after the said arth day of June next, stand and be attainted of high treason to all intents and purposes, and shall suffer such pains and penalties, and undergo all fuch forfeitures as perfons assainted of high treason ought to do. And all the faithful subjects of this State are to take notice of this Proclamation. and govern themselves accordingly.

Given, by order of the Council, under the hand of his Excellency the President and the seal of the State, at Lancaster, this eighth day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

By order of the Council,
THOMAS WHARTON, jun. Prefident,
God fave the Commonwealth,
Attested by order of the Council,
T. MATLACK, Sec.

State of Massachusetts-Bay.

In the year of our Lord, one thoufand seven hundred and seventyeight.

An Ast for enquiring into the Rateable Property of this State.

Whereas the rateable estates of the feveral towns in this State are much altered fince the last valuation:

Be it enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same, That the Assessment

of each town within this State, cholen for the year one thousand seven hundred and feventy-eight, shall on oath take, and lodge in the Secretary's office, by the twentieth day of June next, a true and perfect lift, according to their best skill and judgment, agreeable to a list settled by the General Court, and recorded in the Secretary's office; a printed copy of which lift shall be by the Treasurer of this State fent to the clerk of each town, therein containing an account of all male polls of fixteen years old and upwards, whether at home or abroad, negroes and molattoes not excepted, diftinguishing such as are by law exempt from rates, and of all real estates, improved or not improved, and the just value of the fame, lying within their respective towns, by whom occupied or poffessed, whether in his own right, or in the right of others; and of all personal estate, including money on interest more than they pay interest for; debts due to them not on interest more than they are indebted, all monies in hand, and also a true list of all goods, wares and merchandize, stock in trade, vessels of all forts, with their flores, appurtenances and appendages, plate, horses, oxen and cattle of all forts and ages, sheep, goats and swine, grain of all forts, and all kinds of produce of the land, and of all other property whatfoever (excepting houshold furniture, exclufive of place, wearing apparel, farming utenfils, and the tools of mechanicks) more than what they are indebted, on the first day of May, one thousand seven hundred and seventyeight, according to the price of fuch real and personal estate on the said first day of May, and on the amount of their income from any profession, faculty, handicraft, trade or employment, and also on the amount of all incomes and profits gained by trading by sea or on shore, and by means of advantages arifing from the war and Yor. VI.

the necessities of the community; all which real and personal effate, the Affesfors of each town are hereby required to estimate according to the true worth of such estate on the said first day of May, one thousand seven hundred and seventy-eight: Provided nevertheless, that the following perfons, viz. the prefident, fellows, professors, tutors, librarian and students of Havard College, who have their usual residence there, and settled ministers of the gospel, and grammar school masters, shall be exempted out of this act, so far as relates to their polls and their real and personal estate under their own actual improvement, and lying within the town whereof they are inhabitants: Provided also, That such officers and foldiers as are engaged in the Continental army for three years, or dufing the war, are exempted from this act, so far as relates to their polls: Provided further, That all the estate of Havard College, and lands belonging to the Indians, are excluded from this act. And the faid Affelfors shall cause all the columns of the several articles contained in their feveral lifts to be carefully cast up and footed; and before they enter on the business assigned them by this act, shall take the following oath, viz.

"You A. B. being chosen an Assession for the town of C, for the year one thousand seven hundred and seventy-eight, do swear that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an Assession as directed and enjoined by an act of this State, made in the present year, entitled, an Act for enquiring into the Rateable Property of this State, without favour or prejudice.

So help you GOD."

Which oath in such town where no Justice of the peace dwells, shall be administered by the Town-Clerk, who is hereby empowered and directed to administer the same on pe-

nalty of ten pounds; and every Affessor who shall have been chosen by any town in the year one thousand feven hundred and feventy-eight, and accepted fuch office, that shall refuse to take fuch oath, shall forfeit and pay the fum of forty pounds; and every person not necessarily out of the State, viz. on and from the first day of May next, to the tenth day of June next (in which cases they shall be doomed by the Assessors as hereafter expressed) refusing or neglecting to give such Assessor or Assessors in writing, and on oath if required. (which the Assessors are respectively directed to administer, if they have any suspicion of fraud in giving) a true account of his rateable estate and improvements agreeable to the true intent of this Act, shall be doomed by the Assessors according to their best skill and judgment, and shall for each offence forfeit and pay the fum of fifty pounds; which oath shall be in the following form, viz.

"You C. D. do swear, that the account now exhibited by you is, to the best of your knowledge and judgment, a full account of all your rateables, agreeable to the lift now exhi-So help you GOD." bited to you.

And every Affestor shall be allowed out of the treasury of his respective town, the fum of ten shillings for every day he shall be necessarily employed in doing the duty enjoined by this act. And

Be it further enacted, That the Assessors of each town in this State for the year one thousand seven hundred and seventy-seven, shall, by the aforelaid twentieth day of June, transmit to the Secretary's office, a true and perfect copy, on oath, of the valuation and state-bill by which they made the taxes in their particular towns for that year, also a true

copy of the state tax made by such his and valuation, on penalty that each Affestor neglecting his duty therein, shall forfeit and pay twenty pounds,

Be it further enacted. That if in any of the towns aforefaid, it shall fo happen that any of the Assessors for the year 1777 or 1778, be dead or removed, in that case the remaining part of faid Affelfors shall be, and are hereby empowered to act in all cases touching the valuation and state bill and copy of the state tax aforesaid, as fully as if there had been no fuch death or removal. And all fines and forfeitures arising by this act, may be recovered by action of debt, present-ment or indictment, at any Court of Judicature within this State, proper to try the same; and shall be applied one moiety thereof to him or them, who shall sue for the same, and the other moiety to the use of the State.

And whereas it may happen that some rateable estate, by shifting hands, may be liable to be given in twice to the Affessors, or not given

in at all:

Be it further enacted, That every person in each town within this State, shall give into the Assessors a list of fuch rateable estate, agreeable to this act, as he is possessed of, on the first day of May, one thousand seven hundred and seventy-eight. And

Whereas the people called Quakers, profess to be in their consciences scrupulous of taking an oath in the

form of law required:

Be it therefore enacted. That all fuch people who call and profess themselves Quakers, shall, instead of taking either of the oaths in form aforesaid, if required, be permitted to make his or her folemn affirmation or declaration, under the pains and penalties of perjury.

Polls

		Polls rateable:
		Polls not rateable.
	No.	Dwelling-houses, barns, and other buildings not here- after specially mentioned, with all yards, gardens, and passage-ways to the same belonging.
7. 5. 4		The just value of the same.
	No	Acres, or parts of an acre of upland, mowing, orcharding, and tillage land.
1. 5. 4		The just value of the same.
	No.	Acres of falt and fresh meadow.
1. s. d))	The just value of the same.
	No.	Acres of pasture land.
1. 5. 4.		The just value of the same.
	No.	Acres of wood land and unimproved land,
l. s. d.		The just value of the same.
1. 5. 4.		Wharfs of all forts, and the just value of the same.
		Still-houses, surnaces, mills of all forts, and iron-works.
. s. d		The just value of the same.
1. 2. 4.		Money at interest and on hand, more than they are in debted.
1. 5. 4.		Debts due not on interest more than they are indebted.
1. 5. 4.		The amount of all goods, wares, merchandizes, an flock in trade.

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h. s. d.		Vessels of all forts, with their stores, and the true value thereof, whether at home or abroad.
		Ounces of plate.
-1	No.	Horses of all ages.
l. s. d.		The just value.
	No.	Oxen, four years old and upwards.
l. s. d.		The just value.
	No.	Cows, three years old and upwards.
l. s. d		The just value.
	NJ.	Stears three years old, and all other horned cattle under that age.
l. s. d.		The value.
	1110.	Sheep and goats of all ages.
l. s. d.		Their value.
	No.	Swine of all ages.
L: 5. d		Their value.
L s. d.	•	Grain of all forts and kinds, and all other produce of the land whatfoever on hand, the just value of the fame.
1. 5.		Coaches, chaires, and all carriages of that kind, and all other property whatfoever, not before enumerated, except houshold furniture, wearing apparel, farming utenfils, and the tools of mechanics.
d. l. s. d.		The just value of the same. The amount of all the estate, both real and personal, of those persons that shall be doomed by the assessment.

		Tons of English hay, one year with another.
		Tons of falt and fresh meadow hay, one year with another.
1	,	Bushels of corn and grain of all sorts, one year with
i i		Number of cows the pasture will keep, one year with another,
	ŀ	Barrels of cycler, one year with another.
,	:	Amount of all other annual produce.
		The annual income ariting from any profession, faculty, handicraft, trade or employment, and by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community.

York-Town, December 13.

Copy of a letter from the Rev. Mr.
Samuel Kirkland, Miffionary and
Interpreter for, the Six Nations:
together with a meflage from the
Six Nations Chiefs to Major-general Gates, commanding the army of the United States, in the
Northern department, dated at
Oneida, Oct. 31, 1777.

To the Henourable Major-general Gates, Commander in Chief of the Northern department of the United

States.

SIR.

I delivered your meffage to the Oneida Sachems, informing them of the capture of Gen. Burgoyne, and his whole army; and I prefented the Warriers your request, that a number of their best men, not exceeding thirty or forty, should immediately repair to Albany, where they would receive further directions. I also sent their head Warriors with the Belt of Information, to the Onandagoes, four days ago. To each of the above you have the following replies:

From the Sacheme of Oneida.

Brother Chief Warrior of AraHOCTEA.

This is good news you have fent us.—It is great news. You have taken the General and his army, who thought to march through all America with his army, making a wide road.—This is the fortune of war. Those who are too proud, are sometimes humbled.—It has proved true in this instance—and it is perfectly right. We thank God for what has taken place.

Brother, we Sachems have nothing to fay to the Warriors. We have given them up for the field.—They must act as they think wife.

Brother, We thank you for informing us fo speedily of your conquest.—We wish you a succession of

good fortune.

Suchnagearat. White Skins, Ojestatare. Grashopper. From the WARRIORS.

Brother,

We rejoice greatly in your success.

It revives our minds. Two of our head

head Warriors are abroad, upon their return you shall immediately hear from us—A few only at present accompany your messenger down to Albany.

Quideless. Peter. Thagneghtoris.

From the Onondago Sachems and WARRIORS.

Brother Arahoctea.

We have heard your voice—Your belt has come in good time, and

brings good news.

Brother, we congratulate you upon the extraordinary success of your ar-Your enemy, once very strong in that quarter, are now subdued-This is matter of great rejoicing. Indeed we have long expected it would be his fate, as he talked very proudly among all the Indians, and told what he would do to the Americans—He despised them. The army he sent against Fort Schuyler spake very infolently-quite too proud-" That they would trample all down before them, and at first fight of them the fort would vanish"-but now the proud are brought low! this is right.

Brother, we fend your belt of intelligence forward to the Cayugas and Senecas-We hope its influence will be very extensive—We expect it

will foon reach Niagara.

Brother, the Great God brought about this happy revolution, as you observed in your speech to us. We must all ascribe the honour, the wifdom, and victory to HIM.

Brother, we wish you a continua-

tion of fuccess.-Farewell.

TEHURGWEAHTEN. Published by order of Congress.

CHARLES THOMSON, SEC.

An Address of the Congress To the Inhabitants of the United States of America.

Friends and Countrymen,

Three years have now passed away, fince the commencement of the prefent war. A war without parallel in

the annals of mankind. It hath difplayed a spectacle, the most solemn that can possibly be exhibited. On one fide, we behold fraud and violence labouring in the fervice of despotism; on the other, virtue and fortitude supporting and establishing the rights of human nature.

You cannot but remember how relunctantly we were dragged into this ardnous contest; and how repeatedly, with the earnestness of humble entreaty, we supplicated a redress of our grievances from him who ought to have been the father of his people. In vain did we implore his protection: in vain appeal to the justice, the generosity, of Englishmen-of men, who had been the guardians, the affertors and vindicators of liberty through a succession of ages: men, who, with their swords. had established the firm barrier of freedom, and cemented it with the blood of heroes. Every effort was vain. For, even whilst we were proftrated at the foot of the throne, that fatal blow was struck, which hath seperated us for ever. Thus spurned, contemned, and infulted-thus driven by our enemies into measures, which our fouls abhorred—we made a folemn appeal to the tribunal of unerring Wisdom and Justice. Almighty Ruler of Princes, whole kingdom is over all.

We were then quite defenceless. Without arms, without ammunition, without cloathing, without ships, without money, without officers skilled in war; with no other reliance but the bravery of our people, and the justice We had to contend of our cause. with a nation great in arts and in arms, whose sleets covered the ocean. whose banners have waved in triumph through every quarter of the globe. However unequal this contest, our weakness was still farther increased by the enemies which America had nourished in her bosom. Thus exposed, on the one hand, to external

force and internal divisions; on the other, to be compelled to drink of the bitter cup of flavery, and to go forrowing all our lives long: in this fad alternative, we chose the former. To this alternative we were reduced by men, who had they been animated by one fpark of generofity, would have disdained to take such mean adyantage of our fituation; or, had they paid the least regard to the rules of justice, would have considered with abhorrance a proposition to injure thofe, who had faithfully fought their battles, and industriously contributed to rear the edifice of their glory.

But however great the injustice of our foes in commencing this war, it is by no means equal to the cruelty with which they have conducted it. .The course of their armies is marked by rapine and devastation. fands, without distinction of age or fex, have been driven from their peaceful abodes, to encounter the rigours of inclement seasons; and the face of Heaven hath been insulted by the wanton conflagration of defenceless towns. Their victories have been followed by the cool murder of men no longer able to relist; and those who escaped from the first act of carnage, have been exposed, by cold, hunger, and nakedness, to wear out a miserable existence in the tedious hours of confinement, or to become the destroyers of their countrymen, of their friends, perhaps, dreadful idea! of their parents or children. Nor was this the outrageous barbarity of an individual, but a system of deliberate malice, stamped with the concurrence of the British legislature, and sanctioned with all the formalities of law. Nay, determined to dissolve the closest bonds of fociety, they have stimulated servants to flay their masters in the peaceful hour of domestic security. And as if all this were infusficient to slake their thirst of blood, the blood of

brother, of unoffending brother, they have excited the Indians against us; and a General, who calls himself a Christian, a follower of the merciful-jesus, hath dared to proclaim to all the world his intention of letting loose against us, whole hosts of savages, whose rule of warfare is promiscuous carnage, who rejoice to murder the infant smiling in its mother's arms, to inflict on their prisoners the most excruciating torments, and exhibit scenes of horror from which nature recoils.

Were it possible, they would have added to this terrible system, for they have offered the inhabitants of these states to be exported by their merchants to the sickly, baneful climes of India, there is perish. An offer not accepted of, merely from the impracticability of carrying it into expracticability of carrying it into ex-

ecution.

Notwithstanding these great provocations, we have treated fuch of them as fell into our hands with tenderness, and studiously endeavoured to alleviate the afflictions of their This conduct we have captivity. pursued so far, as to be by them stigmatized with cowardice, and by our friends with folly. But our dependance was not upon man. upon Him, who hath commanded us to love our enemies, and to render good for eyil. And what can be more wonderful than the manner, of our delivrances? How often have we been reduced to distress, and yet been raised up? When the means to profecute the war have been wanting to us, have not our foes themselves been rendered instrumental in providing them? This hath been done in such a variety of instances, so peculiarly marked almost by the direct interpolition of Providence, that not to feel and acknowledge his protections, would be the heighth of impious ingratitude.

At length that God of battles, in whom was our truft, hath conducted

through the paths of danger and diffress to the thresholds of security. . It hath now become morally certain, that, if we have courage to persevere, we shall establish our liberties and independence.-The haughty Prince, who spurned us from his feet with contumely and disdain,—and the Parliament, which proferibed us, now descend to offer terms of accommo-Whilst in the full career of victory, they pulled off the malk, and avowed their intended despotism. But having lavished in vain, the blood and treasure of their subjects in purfuit of this execrable purpose, they now endeavour to enfnare us with the infidious offers of peace. They would seduce you into a dependence, which necessarily, inevitably leads to the And do most humiliating slavery. they believe that you will accept these fatal terms? Because you have suffered the distresses of war, do they suppose that you will basely lick the dust before the feet of your destroyers? Can there be an American so lost to the feelings which adorn human nature? To the generous pride, the elevation, the dignity of freedom! is there a man who would not abhor a dependence upon those, who have deluged this country in the blood of its inhabitants? We cannot suppose this; neither is it possible that they themselves can expect to make in any converts. What then is their intentions? Is it not to lull you with the fallacious hopes of peace, until they can affemble new armies to profecute their nefarious defigns. If this is not the case, Why do they firain every nerve to levy men throughout the island? Why do they meanly court each little tyrant of Europe to fell them his unhappy flaves? Why do they continue to embitter the minds of the favages against you? Surely this is not the way to conciliate the affections of America. not, therefore, deceived. You have fill to expect one severe conside.

Your foreign alliances, though they secure vour independence, cannot fecure your country from defolation. your habitations from plunder, your wives from infult or violation, nor your children from butchery. Foiled in their principal defign, you must expect to feel the rage of disappointed ambition. Arise then! to your tents! and gird you for the battle. It is time to turn the headlong current of vengeance upon the head of the destroyer. They have filled up the measure of their abominations, and like ripe fruit, must soon drop from the tree. Although much is done, yet much remains to do. Expeet not peace, whilst any corner of America is in possession of your foes. You must drive them away from this land of promife, a land flowing indeed with milk and honey. Your brethren, at the extremities of the continent, already implore your friendship and protection. It is your duty to grant their request. hunger and thirst after liberty. it your's to dispense to them the heavenly gift. And what is there now to prevent it?

After the unremitted efforts of our enemies, we are stronger than before. Nor can the wicked emissaries, who fo affiduoufly labour to promote their cause, point out any one reason to fuppose that we shall not receive daily accessions of strength. They tell you, it is true, that your money is of no value; and your debts fo enormons, they can never be paid. we tell you, that if Britain profecutes the war another campaign, that fingle campaign will cost her more than we have hitherto expended. And yet these men would prevail upon you to take up that immense load, and for it to facrifice your dearest rights. For, furely, there is no man fo abfurd as to suppose, that the least shadow of liberty can be preserved in a dependent connection with Great-Britain. From the nature of the thing

thing it is evident, that the only fecurity you could obtain, would be, the justice and moderation of a parliament, who have fold the rights of their own constituents. And this flender fecurity is still farther weakened, by the confideration that it was pledged to rebels (as they unjustly call the good people of these States) with whom they think they are not bound to keep faith by any law whatfoever. Thus would you be cast bound among men, whose minds (by your virtuous refistance) have been sharpened to the keenest edge of revenge. Thus would your children, and your children's children, be by you forced to a participation in all their debts, their wars, their luxuries, and their crimes. And this mad, this impious system, they would lead you to adopt, because of the derangement of your finances.

It becomes you deeply to reflect on this subject. Is there a country on earth which hath fuch resources for . the payment of her debts as America? Such an extensive territory? So fertile, so blessed in its climate and productions? Surely there is none. Neither is there any to which the wife Europeans will sooner confide their property. What then are the reasons that your money hath been depreciated? Because no taxes have been imposed to carry on the war. Because your commerce hath been interrupted by your enemy's fleets. Because their armies have ravaged and desolated a part of your country. Because their agents have villainously counterfeited your bills. Because extortioners among you, inflamed with the lust of gain, have added to the price of every article of life. And because weak men have been artfully led to believe, that it is of no value. How is this dangerous disease to be temedied? Let those among you, who have leifure and opportunity, collect the monies which individuals in their neighbourhood are defirous Vol. VI.

of placing in the public funds. Let the feveral legislatures fink their re-, spective emissions, that so, there being but one kind of bills, there may be less danger of counterfeits. Refrain a little while from purchasing those things which are not absolutely, necessary, that so those who have engroffed commodities may fuffer (as they deservedly will) the loss of their ill-gotten hoards, by reason of the commerce with foreign nations, which their fleets will protect. Above all, bring forward your armies into the field. Trust not to appearances of peace or fafety. Be affured that. unless you persevere, you will be exposed to every species of barbarity. But if you exert the means of defence, which God and Nature hath given you, the time will foon arrive, when every man shall sit under his own vine, and under his own figtree, and there shall be none to make him afraid.

The sweets of a free commerce with every part of the earth will soon reimburse you for all the loss you have sustained. The full tide of wealth will slow in upon your shores, free from the arbitrary impositions of those, whose interest, and whose declared policy it was, to check your growth. Your interest will be fostered and nourished by governments, that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your fayour.

It is to obtain these things that we call for your strenuous, unremitted exertions. Yet do not believe that you have been, or can be saved, merely by your own strength. No; it is by the assistance of Heaven, and this you must assistance of Heaven, and this you must assistance of the approver. Thus shall the power and the happiness of these Sovereign, Free, and Independent States, founded on the virtue of their citizens, encrease, extend, and endure, until the Al-G g

mighty shall blot out all the empires of the earth.

By order of Congress, HENRY LAURENS, President. In Congress, May 9, 1778.

Refolved, That it be recommended to Ministers of the Gospel, of all denominations, to read, or cause to be read, immediately after divine service, the above Address to the inhabitants of the United States of America, in their respective churches and chapels, and other places of religious worship.

Published by order of Congress, Charles Thomson, Sec.

A PROCLAMATION.

Whereas Congress have received information and complaints, " That violences have been done by American armed vessels to neutral nations, in seizing ships belonging to their subjects and under their colours. and in making captures of those of the enemy whilst under the protection of neutral coasts, contrary to the usage and custom of nations:" To the end that such unjustifiable and piratical acts, which reflect dishonour upon the national character of these States, may be in future effectually prevented, the faid Congress hath thought proper to direct, enjoin and command, all Captains, Commanders, and other officers and feamen belonging to any American armed vessels, to govern themselves strictly in all things, agreeably to the tenor of their commissions, and the instructions and resolutions of Congress; particularly that they pay a facred regard to the rights of neutral powers, and the usage and custom of civilized nations, and on no pretence whatever prefume to take or feize any ships or vessels belonging to the subjects of Princes or powers in alliance with these United States, except they are employed in carrying contraband goods, or foldiers to our enemies; and in such case that they conform

to the stipulations contained in treaties subfisting between such Princes or powers and these States; and that they do not capture, seize or plunder any thips or veffels of our enemies being under the protection of neutral coasts, nations or Princes, under the penalty of being condignly punished therefore, and also of being bound to make fatisfaction for all matters of damage, and the interest thereof, by reparation, under the pain and obligation of their persons and goods. And further, the faid Congress doth hereby resolve and declare, that persons wilfully offending in any of the foregoing instances, if taken by any foreign powers in consequence thereof, shall not be confidered as having a right to claim protection from these States, but shall fuster such punishment as by the usage and custom of nations may be inflicted upon fuch offenders.

Given in Congress at York, in the State of Pennsylvania, this ninth day of May, anno Domini, one thousand seven hundred and seventy-eight.

Henry Laurens, Prefident. Attest. Charles Thomson, Sec.

New Jersey.

His Excellency Governor Livingston's message to the General

Assembly of the State of New
Jersey.

Gentlemen,
I heartily congratulate you upon the agreeable news we have received from France, fince I had the pleafure of meeting you last in this place. The treaties of alliance, and of amity and commerce, between his Most Christian Majesty and the United States of America, by which our freedom, sovereignty and independence, are fully recognized, ratified and guarantied, and our trade less free and unembarrassed, are so advantageous on our part, and display such generosity and magnanimity on

hat of our illustrious ally, as cannot but excite in our breafts the most cordial respect for that powerful monarch, and the devoutest acknowledgment of that propitious Pro-widence which hath influenced the heart of a foreign prince to interpole his affistance for delivering us from the bloody profecution of one fo lately our own. As we were at first compelled into a declaration of independence, it was the highest wisdom to solicit a suitable alliance for for its fecurity and support. both these measures we may appeal to the whole world, that we were driven by a tyrannical ——, a venal Parliament, and a flagitious miniftry. Indeed the conduct of our oppreflors has, through the whole course of the war, been so infatuate and remorfelefs, as if Heaven had deprived them of common fense, as well as Hell inspired them with all its malice. But their day of national correction is swiftly approaching. Their unparalled cruelties both in the eastern and western world have at last enkindled the Divine vengeance; and the judgments of God are now overtaking a nation which has filled up the measure of its iniquity; and long been the most impious and irreligious of any in Christendom. To chastise her insolence, the force of France and America is now united in an indoffoluble league. How must haughty Britain be confounded at the dreadful news, and curse the fatal consequences of her moon-struck policy? Methinks I fee power and grandeur crambling into ruin, and all her towering honors levelled with the That decisive influence which the has long maintained in the scale of Europe, is now rapidly verging to fullen impotence; and the mistress of the ocean become the contempt of those very potentates, who lately revered her councils, and trembled at her arms. But how speedily soever the may be doomed to final perdition,

it is our duty to guard against the vindictive effects of her expiring When all the horrors of struggles. desperation seize her; and, utterly hopeless of conquest, she determines to raise even above herself, by some fignal stupenduous act of barbarity, baving like the devil in the Apocalypie, great wrath, because she knoweth that fee bath but fort time; she may attempt to desolate what she finds it impossible to subdue. Against such ravage and destruction, to which, we know, by experience, it is not beneath her dignity to condescend, it is our interest to oppose the most stre. We want only the nuous exertions. one spirited and general effort to expel her remnant of banditti from the continent, and for ever to emancipate ourselves into complete and unintertupted liberty. One campaign more will, in all probability, decide the important contest: and in whose favour it is likely to terminate, is written by the hand of Providence in characters too legible to be milunderstood.

The alacrity of our men to enter into the service, and the great dispatch with which our battalions are completing, must also affect every lover of his country with singular

pleafure.

The refolution of Congress of the nineteenth of March, respecting the raising the quotas of men, and the providing their accourrements, is herewith laid before you, together with that of the seventeenth of April, pursuant to which this state is only to complete three regiments of infantry in the manner recommended by the resolutions of the 26th day of February last.

Gentlemen,

As you role at the last sixting of the assembly without rapidlying the articles of confederation and perpetual union between the States, I hope they will engage your early attention at the present

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The

. The Congress, by their resolution of the tenth of March, having earneftly requested the governors and prefidents of the respective states to transmit to them, as foon as possible, attested copies of the acts passed by their respective legislatures in pursuance of recommendations of Congress which they may have received fince the first day of November last, and of all acts they may hereafter pass in consequence of future recommendations, you will be pleased to furnish me, for that purpose, with attested copies of the acts first described, with all convenient speed.

I embrace this opportunity further to communicate to you a resolution of Congress, of the first instant, recommending it to the several states, to empower the executive authority of such states, from time to time, to grant exemptions from duty in the militia to such persons as may, from time to time, be employed in manufacturing military stores and other articles, for the use of the United

States.

The present condition of our public accounts renders it indispensably necessary to appoint some person in the character of auditor, with a sufficient salary to induce a gentleman of adequate skill and abilities to accept

of the management.

I hope, gentlemen, it will engage your feafonable confideration what measures ought to be adopted respecting those amphibious inmates ever willing citizens to all the purposes of deriving from the State every illegal benefit and protection, but to none of returning reciprocal duty and allegiance) who feem refolved to the very end of the quarrel, to maintain a kind of shameful and most difingenuous neutrality; hoped by not avowedly espousing either side, but occasionally and indirectly abetting both, to fecure to themselves a favourable reception with the prevailing party, let that party eventually prove to be the oppressive or op-

pressed. Such political hypogrites ought, by a general test, to be dragged from their lurking holes, ferretted out of their duplicity and refuge of lies, and be taught by an act for the purpole, that however willing the legislature may be to imitate the example of the generous housholder, who made no difference in his payments between those who went to labour in his vineyard at the first or eleventh hour; they are determined not to fet the first example in the world, or allowing wages to those who never would enter the vineyard at all, 'till the grapes were fully ripe, by the cultivation of others; and came then only with the view of fneakingly spunging upon, and regaling themselves with, the wine of other peoples expressing.

There are in this state many valuable and conscientious citizens, who are scrupulous of taking an oath in the present form, and with an English form of kiffing the book; which they confider as superstitious, and a remnant of Popery. Amidst the liberality of fentiment, and utter abhorrence of infringing upon the rights of conscience, which seems to mark the present æra with peculiar lustre, can it be confistent with found policy, or the generous spirit of our constitution, to debar an honest man . for a religious scruple from the privileges of fociety, which the most profligate and abandoned are permitted to enjoy in the fullest latitude? I therefore flatter myself that our legislature will be so indulgent to this icrupulofity, which is at least innocent, as to authorife the magistrate in the administration of an oath, to dispense with; such part of it as may embarrass the conscience, and beyond question altogether formal, and in no respect essential to its na-.ture or folemnity.

I have further to lay before you, gentlemen, a resolution of Congress, of the twenty-third of April, recommending it to the legislatures of the several

several states to pass laws, or to the executive authority of each state, if invested with sufficient power, to issue proclamations, offering pardon, with fuch exceptions, and under fuch limitations and restrictions as they shall think expedient, to such of their inhabitants or subjects as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall furrender themselves to any civil or military officer of any of these States, and shall return to the State to which they may belong, before the tenth day of June next, and recommending it to the good and faithful citizens of those States to receive fuch returning penitents with compassion and mercy, and to forgive and bury in oblivion their past failings and transgressions.

Though I think it my duty to fubmit this resolution to your serious confideration, because it is recommended by Congress, I do not think it my duty to recommend it to your approbation, because it appears to me both unequal and impolitic. may, confishently with the profoundest veneration for that august affembly, be prefumed, that they are less acquainted with the particular circum-.Hances and internal police of some of the States, than those who have had more favourable opportunities for that purpose. There seems, it is true, fomething fo noble and magnanimous in proclaiming an unmerited amnesty to a number of disappointed criminals, submitting themselves to the mercy of their country; and there is in reality fomething fo divine and christian in the forgiveness of injuries, that it may appear rather in-. vidious to offer any thing in obstruction of the intended clemency. as to the benevolent religion, which we are under the highest obligations to conform our conduct, . though it forbids at all times, and in . all cases, the indulgence of personal hatred and malevolence, it prohibits

not any treatment of national endmies of municipal offenders, necesfary to felf prefervation, and the general weal of fociety. And as to humanity, I could never persuade myself that it consisted in such lenity towards our adversaries, either British or domestic, as was evidently productive of tenfold barbarity on their part; when fuch barbarity would probably have been prevented by our retaliating upon them the first perpetration; and confequently our apparent inhumanity, in particular instances, have certainly been humane in the final refult. Alas! how many lives had been faved, and what a scene of inexpressible misery prevented, had we, from the beginning, treated our bosom traitors with proper severity, and inflicted the law of retaliation upon an enemy too favage to be humanized by any other argument! as both political pardon and punishment ought to be regulated by political confiderations, and must derive their expedience or impropriety from their falutary or pernicious influence upon the community, I cannot conceive what advantages are proposed by inviting to the embraces of their country a fet of beings, from which any country, I should imagine, would effeem it a capital part of its felicity to remain for ever at the remotest distance. It is not probable that those who deserted us, to aid the most matchless connoisseurs in the refinements of cruelty (who have exhausted human ingenuity in their engines of torture) in introducing arbitrary power and all the horrors of flavery, and will only return from disappointment, not from remorse, will ever make good subjects to a state founded in liberty, and inflexibly determined against every inroad of unlawful dominion. The thirtyone criminals lately convicted of the most flagrant treason, and who, by the gracious interpolition of government, were, upon very hopeful figns

of penitence, generously pardoned,. and then, with hypocritical chearfulness, inlisted in our service, have allto a man deferted to the enemy, and are again in arms against their native country, with the accumulated guilt of its being now not only the country that first gave them life, but which bath, after they had most notoriously forfeited it, mercifully rescued them Whence it is probable, from death. that a real Tory is by any human means absolutely inconvertible, having so entirely extinguished all the primitive virtue and patriotism nasural to a man, as not to leave a fingle spark to rekindle the original flame.—It is indeed against all probability that men, arrived at the highest possible pitch of degeneracy, the preferring of tyranny to a free government, should, except by a miracle of omnipotence, be very capable of one fingle virtuous impression. They have, by a kind of gigantic effort of villainy, aftonished the whole world, even that of transcending, in the enormities of defolation and bloodshed, a race of murderers before unequalled, and without compegitor. Were it not for these miscreants, we should have thought, that for cool, deliberate cruelty, and unavailing, undecifive havock, the fons of Britain were without parallel. But confidering the education of the latter, which has familiarized them to the shedding of innocent blood, from the mere thirst of lucre, they have been excelled in their own peculiar and distinguishing excellence, by this monstrous birth and off-scouring of America, who, in defiance of Nature and nurture, have not only, by a reverst ambition, chosen bondage before freedom, but wagtd an infernal war against their dearest connections, for not making the like abhorred and . abominable election. By them have numbers of our most useful and meritorious citizens been ambushed, hunted down, pillaged, unhoused,

stolen, or butchered; by them has the present contest, on the part of Britain, been encouraged, aided and protracted. They are, therefore, responsible for all the additional blood that has been spent by the addition of their weight in the scale of the enemy. Multitudes of them have superadded perjury to treason. At the commencement of our opposition they appeared more fanguine than others, and, like the crackling of thorns under a pot, exceeded in blaze and noise the calm and durable flames of the steady and persevering, They have affociated, subscribed, and fworn to affift in repelling the hostile attempts of our boweless oppressors. They have, with aweful folemnity, plighted their faith and honour to stand, with their lives and fortunes, by the Congress and their General, in support of that very liberty which, upon the first opportunity, they perfidiously armed to oppole, and have fince facrilegiously sworn utterly to exterminate. worthy citizen has loft a venerable father; that one a beloved brother; and a third a darling fon, either immediately by their hands, or by their betraying him to the enemy, who, from a momentary, unintentional relapse into humanity, were sometimes inclined to spare, when these pitiles wretches infifted upon flaughter, or threatened to complain of a telenting officer, merely because he was not diabolically cruel.

Nor will fush an act of grace prove eventual of restoring to their injured country the most proper objects of pardon. The more ignorant and desided (if such ignorance and delusion there can be) will not be able to obtain leave from their vigilant task-masters to return to their duty. The most dangerous and influencial will be indulged with this privilege, and that only to save their estates, without the least compunction of conscience, alteration of sentiment, or melioration

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melioration of heart. These, having already been sworn and forsworn, will, without ceremony, repeat their perjury whenever it appears conducive to the introduction of tyranny. To screen such characters from popular refentment and personal insult, I presume no prudent man would thuse to become surety. Those of our citizens who have, from the very beginning of the illustrious conflict. hazarded their persons and property. will think it inequitable to receive fuch malignants into a full participation of all the bleflings resulting from that independence which, with the fmiles of Providence, has by their co-operation been so gloriously contested, and at so great expence and peril battled out of the very jaws of tyranny. There is, in some of our counties in particular, who have more eminently fuffered by their wanton ravages, so rooted an aversion against this kind of gentry, that the more conspicuous Whigs (generally the greatest sufferers) would think it extremely hard to proffer them all the immunities of that happy conftitution which they, at infinite risque, have been instrumental in establishing, while those non-naturals were meditating our destruction, spilling our blood, and ardently wishing for our final inthralment. And can they ever expect to regain the confidence of their late fellow subjects, whose very looks methinks must confound and abath them? Surely their mean fpiritedness in brooking to return to their country, circumstanced as they are, is only to be equalled by their guilt in deserting it. Should we not be much happier, together with the abolition of regal missule, to purge the Continent also of this political pollution, which must necessarily tarnish the lustre, and may gradually infect some of the still incorrupted sons of America? Will it not be better policy to infift upon a perpetual sepa-

ration from those, whose intercourse with us must constantly revive the most painful ideas, and whose very prefence among the genuine fons of freedom would feem as unnatural as that of Satan among the fons of God? The difgrace they have brought upon their native country can never be expunged, but by expunging them. Let them, therefore, rather go into voluntary banishment, and settle in some uninhabited island, rocky, if they please, as their hearts, and seared as their consciences, where, not having one honest man among them. but being all involved in the fame atrocious and insuperable crime of parricide, no one traitor can upbraid a brother traitor with his treason: nor any individual of the whole culprit fraternity point at a preater fcelerat than himself-There let them establish a system of vassalage most fuitable to their own flavish dispositions; and erect an infamous monument in putrid memorial of those apostates from reason, and converts to despotism, who fled from justice for an attempted affaffination of liberty. Or let them take fanctuary in a certain already fettled island, (probably their favourite spot, because contaminated with every species of infamy) where it is no bar to the Royal fayour to have embrued one's hands in a brother's blood; where the massacre and famishing of thousands has been rewarded with a peerage; and where no man need to despair of promotion for being a rascal.

WIL. LIVINGSTON.
Princeton, May 29, 1778.

Pennsylvania.
In General Affembly of Pennsylvania,
May 25, 1778.

The House resumed the consideration of the resolves respecting the draughts of the two bills proposed in the British Parliament, and, after after confiderable debate thereupon, they were unanimously adopted as follows, viz.

The House having taken into confideration the speech of Lord North. in the British House of Commons. on the 19th day of February last, and the two bills ordered to be brought in by him, &c. in consequence thereof, the one intitled, " A bill for declaring the intentions of the Parliament of Great Britain, concerning the exercise of the right of imposing taxes within his Majesty's Colonies, Provinces, and Plantations in North America;" the other entitled, " A hill to enable his Majesty to appoint Commissioners, with sufficient powers to treat, confult, and agree upon the means of quieting the diforders now fubfifting in certain of the Colonies, Plantations, and Provinces in North America;" together with the proceedings of Congress thereupon on the 22d day of April last, as published in the Pennsylvania Gazette of the 24th day of the same month: and having maturely confidered the same, came to the following resolutions: to wit.

1. Resolved unanimously, That the Delegates or Deputies of the United States of America, in Congress assembled, are invested with no exclusive authority to treat with the King of Great Britain, or Commiffioners by him duly appointed, refpecting a peace between the two

countries.

2. Resolved unanimously, That any man, or body of men, who shall presume to make any separate or partial convention or agreement with the King of Great Britain, or with any Commissioners or Commissioner under the crown of Great Britain, ought to be confidered and treated as open and avowed enemies of the United States of America.

3. Resolved unanimously, That this House highly approve of the deeleration of Congress, " that these

United States cannot, with propriety: hold any conference or treaty with any Commissioners on the part of Great. Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or else in positive and express terms acknowledge the independence of the faid States."

4. Refolved unanimously, That the Congress have no power, authority, or right, to do any act, matter, or . thing whatfoever, that may have a tendency to yield up or abridge the fovereignty and independence of this State, without its confent previously

obtained.

5. Refolved unanimously, That this House will maintain, support, and defend the fovereignty and independence of this State with their lives and fortunes.

6. Refolved unanimously, That it be recommended to the Supreme Executive Council of this State. forthwith to order the militia to hold themselves in readiness to act as occafion may require.

Extract from the minutes.

John Morris, jun. Clerk of the General Assembly.

Admiralty-Office, June 24; 1778. The three letters from the Honourable Admiral Keppel to Mr. Stephens, of which the following are copies and extract, were received this afternoon at this office:

> (Copy.) Victory, at sea, June 18, 1778.

A little before twelve o'clock yesterday, the fleet being in a line of battle, steering S. S. W. the wind at west, and the Lizard bearing N. 44. 00 W. distant 25 miles, we observed two ships seemingly reconnoitring the fleet, with two tenders accompanying them; I immediately directed the whole fleet to chace, and between five and fix in the evening the Milford had got close along-fide the leewardmost ship, a large French frigate; I made

made the figual for the ships chacing to bring down their chace to me, which Sir William Burnaby could not, by civil words, get the French officer to allow him to do; but upon the Hector's drawing near upon her. and firing a gun shotted, she stood to her, and the Hector then made fail with her towards the fleet. The other French ship was closely pursued by the Arethuía, and Alert cutter, and, at some distance a-stern of them, the Valiant and Monarch.

I am not able to inform their Lordships in this letter, relative to that chace, more than that an officer got to me this morning, from the Valiant, who had been in the boat the whole night; his Captain directed him to inform me, that he should have returned agreeable to the fignal to leave off chace, but that he had observed the French frigate had given battle to

the Arethula.

At nine o'clock last night, I sent Sir Charles Douglas to leeward to the Hector and America, to let their Captains know, it was my orders they brought the French frigate under the Victory's stern; and Sir Charles Douglas was charged from me, to express every civility to the French Captain, and to inform him that I should see him when the ships and frigates got up to the fleet in the morning; in the mean time he was also to attend the frigate, unmolested, up to me; but, to my astonishment, this morning, about nine o'clock, I observed the French ship seemingly going upon the other tack; one of the ships that was attending her fired a shot across her, which was immediately followed by the French frigate's discharging her whole broadlide and musquetry into the America, at the very moment Lord Longford was upon the gunwale talking to the French Captain in the most civil strain; several of the shot struck the America, and wounded four of her Vor, VI,

people; the French Captain then struck his colours; his behaviour merited the fire of the America, but Lord Longford's humanity and prudence prevailed, much to his credit, over his resentment.

I hope I have not done improperly in fending the frigate into Plymouth: the circumstance of her behaviour. and the other French frigate giving battle to the Arethusa, has been a justification to myself for seizing her and fending her into port.

> I am, Sir, Your most obedient. and very humble fervant, A. KEPPEL.

P. S. The French frigate is called the Licorne of 32 guns and 230 men. PHILIP STEVENS, Esq. Secretary to the Admiralty,

(Extract.) Villery, at Sea, June 20, 1778, at noon, the Lixard, N. 37:00 E. 19 leagues. Sir

Before noon of yesterday we saw the Valiant and Monarch, who had chaced from the fleet on the 17th, coming down; the Valiant with a crippled thip in tow, which we foon perceived was the Arethusa, with her main mail gone, and much shattered

in other respects.

The Arethusa had come up with her chace on the evening of the 17th; she proved a large French frigate with heavy metal (the Belle Poule;) Captain Marshal requested of the French Captain to bring to, and informed him, he had orders to conduct him to his Admiral, who wished to fpeak to him; both which requests the French officer peremptorily refused to comply with; Captain Marshal then fired a shot across the frigate, upon which the French Captain instantaneously fired his whole broadside into the Atethusa, who was at that time very close along-fide, which Ηh

which brought on an action on both fides, which continued for upwards of two hours; the Arethusa being much shattered in her masts, fails and rigging, and there being very little wind to govern her, she was thrown in such a situation, as not to be able to get her head towards the French ship, notwithstanding Captain Marshal's utmost endeavours so to do; the French ship's head being in with the land, and getting her foresail set, she stood into a small bay, where the boats at day-light came out, and towed her into fafety.

Captain Marshal appears to have conducted himself in the whole of this matter with the greatest spirit and gallantry, and fpeaks with great fatisfaction of the behaviour of his officers and ship's company. Arethusa had eight men killed, and thirty-fix wounded; the loss of the French must be considerable.

I must not omit in this relation to acquaint their Lordships, that Captain Fairfax, in the Alert cutter, has had his share in the business; he got along-fide of a schooner of 10 carriage guns and 10 fwivels, that attended the frigate that engaged the Arethusa; upon his requesting the Commander of her to stand to the fleet, he made him answer, that he fhould do as the frigate did; and, upon the frigate's firing upon the Arethufa, fired his guns into the Alert; Captain Fairfax immediately run on board of him, and they continued in that fituation in Abie fisht. upwards of an hour, when the French vessel surrendered. Captain Fairfax killed him five men, and mortally wounded feven; the Alert had four men wounded, two of them, it is appreliended, mortally.

Several French merchant ships passed through the fleet yetterday unmoletled: I did not think proper in anywife to interrupt them in their commerce. Ushant was then in fight PHILIP STEVENS, Esq. Secretary

from the mast-head.

(Copy.) Victory, at Sea, June 20, 1778.

Early in the morning of the 18th, a ship in the N. W. quarter was seen ·standing into the fleet, but soon hauled away: the Foudroyant, Courageux, and Robust, were sent in purfuit of her; and having repaired, as well as time would permit, the Milford's damages, which the received by the French frigate's having, while in conversation, sheered on board her, the was likewise sent in chace. In the morning of the 19th, the Proferpine had joined, whom I also directed to chace; very light winds and easterly; before twelve. the frigates and other ships were drawn -close up with the chace; a French frigate, and the fignal being made to - the ships to bring the chace into the -feet, she was brought in accordingly, the French officer having no means -whatever to avoid what has happened to him. From the behaviour of the French frighte, the Licorne, on the 18th in the morning, I judged it my duty to detain this thip likewise. directed Captain Hood, of the Robuff, to take the ofacers out of the thing and distribute the crew among the ships with him; instructing him to lightly to the French Captain, that I was under a necessity of taking this step from the extraordinary conduct of the Captain of the Licorne; at the fame time recommended to Captain Hood to take care, that nothing but the civillest treatment should pass towards the French officers and their people, and every thing taken care of on board the frigate: the is called the Pallas, of 32 guns and 220 men; and, as well as could be learnt, had been eight days from Breit on a cruize. Jam, Sir,

Your most obedient, and very humble fervant,

A. KEPPEL.

to the Admiralty.

[London Gazette. From From the Supplement to the GAZETTE, of FRANCE, June 26.

Particulars of the engagement between the French frigate LA BELLE-POULE, and an English frigate.

The 17th of this month, at ten o'clock in the morning, Lieutenant, Chadeau de la Clocheterie, commanding the King's frigate la Belle Poule, of 26 guns, twelve pounders, discovered from the top of the mastsseveral ships; at half past ten, he began to suspect they might be an English squadron; a few minutes after, he reckoned twenty men of war, fourteen of which at least appeared to him to be ships of the line; the squadron was then at four leagues distance from the French frigate. The Sieur de la Clocheterie soon" perceived that, a frigate and a floop, gained upon them. The latter, carrying ten fix pounders, came up with the Belle Poule, and hailed her in English. The Sieur de la Clocheterie answered, bidding him speak French: then the floop joined her frigate.

At half past fix, the English frigate came up within musket shot of the Belle Poule, to leeward, the squadron being still at the same dis-

tance.

The Sieur de la Clocheterie manœuvered to avoid the disadvantageous position he was in. His manœuvre, executed with precision and celerity, foon put the two frigates across each other, and within pistol shot. In this position, the English frigate hailed her in English; he answered he did not understand; she then hailed him in French, and faid he must come to her Admiral; the Sieur de la Clocheterie answered, that his mission did not permit him to take that route. The English frigate infifted, and repeated that he must come to the Admiral; the French Captain affured him he would do no fuch thing: then the English frigate poured a broadfide into him,

and the engagement began at a time when there was scarce any wind to govern the ship. The action lasted from half past six in the evening, till half past eleven, still within pistol shot. It is to be presumed that the English frigate, which is of 28 six pounders, was spent, since at that epocha she availed herself of a breeze that sprung up, and returned to her squadron: in that position she received upwards of sifty cannon shot from the French frigate, without returning one.

It was impossible for the French frigate to pursue her; that route would have carried her amidst the English sleet. The Sieur de la Clocheterie resolved to run a-ground, and at half past twelve at night he anchored among the rocks, near Plouascat, where, the 18th, the frigate was observed, and watched by two English ships; but the rocks which surrounded him, seemed to

shelter him from any insult.

The action has been most bloody. On the 18th the exact number of the dead was not yet known; but was estimated at 40 at least. The Sieur Green de Saint Marsault, Lieutenant, and fecond in command, was The Sieur de la Roche de Kerandraon, Enfign, having had his arm broke, after fighting two hours, had it set, and returned to his post, which he kept during the three remaining hours that the action lasted. The next day he was obliged to fuffer an amputation. The Sieur Bouvet, an auxiliary officer, was grievoufly wounded, but would not leave the deck to be dreffed. The Sieur de la Clocheterie had two violent bruises, one in the thigh, and the other in the head. The number of the wounded amounts in all to 57.

The action was kept up with equal fire, and with the fame spirit, till the moment when the English frigate abandoned the combat. The Chevalier de Capellis commanded the

valier de Capellis commanded the H h 2 battery,

battery, and was seconded by the Sieurs Damard and Sbirre, auxiliary officers, and the Sieur de Basterot, and Chevalier de la Galernerie, marine guards. The crew, animated by the example of the officers, gave the greatest proofs of bravery and

presence of mind. The Sieur de Sartine, Minister and Secretary of State for the marine department, having given the King an account of the engagement of the frigate la Belle Poule, his Majesty has granted to the Sieur de la Clocheterie, who commanded her, a brevet of Captain; to the Sieur de la Roche Kerandraon, Enfigu, the Cross of St. Louis, and a pension; to the Sieur Bouvet, a brevet of Lieutenant of frigate; and has given marks of his fatisfaction to all the officers and marine guards.

His Majesty has likewise granted a pension on the funds of the invalids of the marine, to Mademoiselle Green de Saint Marfault, sister to the officer of that name, who was killed in the engagement. He has moreover provided for the widows and children of the marine officers killed in the action; and has granted to the wounded men, gratuities proportioned to their wounds, as also a general benefaction to all the crew, which the widows of the killed will

be admitted to partake of. London, July 6. A correspondent fays, that the French King feems determined to endayour to recover the honour of his flag, and to dispute with us the fovereignty of the sea. a particular account of the engagement between the Arethusa and Belle Poule, the French Gazette goes into the detail of the honours and rewards conferred on the feveral officers and the crew of the French frigate. " Sa Majesté a accordé au Sieur de la Clocheterie, qui la commandoit, le Brever de Capitaine de Vaisseau; au Sieur de la Roche-Kerandraon, Enseigne de Vaisseau, la Croix de Saint

Louis, & une pension; an Sieuf Bouvet, le Brevet de Lieutenant de fregate en pied, & elle a donné des temoignages de satisfaction à tots les officiers & gardes de la marine.

" Sa Majesté a pareillement accordé une pension fur les ronds des invalides de la marine à la Demoiselle Greén de Saint-Marsault, Sœur de l'officier de ce nom qui a été tué dans le combat. Elle a pourvu d'ailleurs au fort des venves & des enfans des officiersmariniers & Matelots tués dans l'action, & elle a accordé aux blesses des gratifications proportionnées à leurs bleffures, ainfi qu'une gratification générale à tout l'équipage, au partage de laquelle les veuves des morts feront admifes."

These noble acts of public gratitude to distinguish naval valour, the London Gazette does not announce to the nation to have been imitated by the King of England, at the commencement of a war, to at least equal English valour. No honours are conferred on the brave Captain Marshal, the commander of the Arethuía, nor on any of his officers. No gratifications of any kind are given to the furviving valiant crew; no pensions settled on their widows or orphans. No mark of the private fatisfaction of the fovereign to a meritofious officer from a prince, who has a pension of 900,000l. a year from the nation, and an income of above a million, on the eve of a war with the ancient enemy of this kingdom, to encourage and animate a fleet, on which our domestic tranquility and fecurity entirely de-

It is observed by a correspondent, that France and England have in the compais of a century had two fovereigns, who were their own ministers. After the death of Cardinal Mazarin, Louis XIV. governed without any Prime Minister. George III. has been his own minister. event was prosperous to France; most difgraceful

difgraceful to England. Louis XIV. increased his dominions with the important acquisitions of Alface, Franche Comté, the three considerable Bishopricks of Mentz, Verdan, and Toul, French Flanders, the remainder of Artois, the Nivernois, &c. &c. &c. George III. has already loft the Colonies of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut. New-York, New-Jersey, Pennsylvamia, the Counties of New-Castle, Kent, and Suffex on Delaware, Maryland, Virginia, North Carolina, and Georgia, but the same Minister ftill continues in England.

Extract of a letter from Portsmouth, June 29.

"Arrived at St Helen's, where they came to an anchor on the 27th in the morning, Admiral Keppel, with his whole fleet, except the Fex, Psoserpine, and Milford, which were left cruizing; and this morning two prizes, taken by the Fox, arrived here, viz. the l'Amiable Victoire, Vincent, from Martinico, with sugar, coffee, and cotton, for Havre de Grace; and the St. Martha, Detaile, from Havre for Brest, with flour.

"Laft night Lord Sandwich arrived at this place, and early this morning, with Sir Thomas Pye, went off to Admiral Keppel at St. Helen's."

Admiral Koppel brought with him the two French frigates. Arethusa was so much shattered in the engagement, that the is obliged The fleet to go into port to refit. received certain information, that the Brest squdron consisted of 28 sail of the line ready for fea, besides five fitting out. Admiral Keppel thought it not prudent to risk an engagement with fo unequal a force, and has demanded a reinforcement. Thus in the beginning of a war with France, through the bad management of mimisters, our sleet, hat in the last war

blocked up the French in their portes; is not equal in strength to meet the Brest squadron. In the last war, there were no less than twenty-five thousand American seamen, on board the royal navy. We now want their assistance; and instead of having it, they are against us.

The Captain of the schooner which engaged the Alert, threw his commission over-board, before he struck. She was not manned with French, but with all nations, many

Dutch, some Irish, &c.

Extract of a letter from Gosport, July 1.

"Yesterday came into the harbour the two French frigates, the one of 32 guns, the other of 36, taken by Admiral Keppel's sleet; and in the evening the prisoners were guarded by the militia to Forton prison, &c." Extrad of a letter from Portsmouth, July 12.

"The l'Aimable Victoire, with rum and sugar, for Havre; and the Le St. Martha, with flour for Brest, sailed out of harbour yesterday on their respective voyages: they were sent in here by the Fox man of war, but since released."

For the REMEMBRANCER.

The best and bravest Admiral in England, is returned to St. Helen's, after having commenced hostilities against the French. Ideas may postfibly occur, even to the docide people of England, and pertinent questions may hereafter be asked of the men now in power, how it happens: that, after so long a preparation for war, and fuch extraordinary exertions for equipment, we have been able to produce 20 fail of the line, four frigates, and a fire ship only? With this force Mr. Keppel undertook to meet the French fleet of 24 fail of the line, as many frigates, and fume are-ships. The undertaking. correspondent with the character of the man, and the officers and men of

the fleet were folicitous to give the odds, and fight the nation's battle; the first blood was drawn by Captain Marshal; that gentleman has added another proof of the superiority Truth herself will of English valour. call him courageous, but candour must allow the Frenchman, was not backward. Indeed, if an inference of the conduct of the whole fleet can be drawn by a fingle frigate, Mr. Keppel will, with all his skill and valour, find ample employment. Captain Fairfax, of the Alert, acted also with great spirit, and took his opponent. Two more frigates were taken by other ships. This is a plain unequivocal language, and was likely to produce such an answer from the French as the English Admiral, officers, and men have long wished for; but mark the sequel, two days afauthentic accounts t erwards brought to the English, that the French fleet in Brest consists of 28 sail of the line, and the Fox frigate in her paffage to the English fleet met, and was chaced by five more off Ushant. Mr. Keppel is not to be difgraced by his Majesty's Ministers, but too great a superiority obliges him to retire to collect more force. It is now time to advert to the promises of Administration, and the first Lord of the Admiralty, as delivered in the House of Lords. The Earl of Sandwich faid he should think it a matter of impeachment against any first Lord of the Admiralty, who could not turn out a maritime force superior to. the French and Spaniards united. These positions were advanced within doors, and pretty generally delivered A few discontented triots suggested their doubts, but they were immediately explained away as There is fomething like patriotism in the navy too; some plain speken men, whose names are to be found in the line of battle, begin to fay there is fomething wrong about the ruling power. It is the

practice of these gentlemen, whereever they are at a loss for reasons, to have recourse to ancient custom; it is in some instances recommended to them by the articles of war. have been turning over the Naval History, page by page, and cannot find a precedent for the whole English navy (except the detachments which were preceded by fimilar ones from France) leaving the French coast, because they thought the French were preparing to come out. If the Spaniards will be kind enough to forbear, men of fanguine minds think. Mr. Keppel will be able to meet the French in a few weeks; if they unite, the good people of Englands headed by their gracious Sovereign, must repair to the tented field.

His Majesty is now in a fair way. of gratifying his military ardour, not in a mock battle upon Blackheath, but in a business that will require all his courage and ability. He will very foon have an opportunity of knowing the value of his troops, and how far he has been justified, during his whole reign, in his contumelious. manner of treating Naval Officers. They have gallantly stept forth, in. the hour of danger, with an offer of their lives, not in professions or addresses to the best of Sovereigns, but for the good of their country, andtheir professional honour. His Majesty's Ministers and friends should not over-match them. Let them be fairly pitted, they will stand cutting The best breed of his sea very well. fowl is in Admiral Keppel's fleet; ifthat is destroyed, the race will be extinct.

To Mr. JAMES TWITCHER.

I do not know which to admire most, the abandoned impudence you still continue to make use of, or the folly of those who suffer you to impose on the public. But the affairs of this once great nation are now so truly alarming, that to be falent is acrime.

It can never be too often repeated, that when, for the completion of ministerial folly, you was appointed to the naval administration in 1771, there was then reported, by the surveyor of the navy, 8 ships of the line fit for service, 24 more in want of repair, and 16 building. Since that period, there has been granted more money than ever was known in former times, and more than fufficient to have built 100 ships .of the line, and a proportional number of frigates. What is now the state of the navy?-Worse, considerably worse, than you found it. duced in numbers, and in its state and condition of ships, rotten and crippled. As to stores, your magazines at home are emptied; abroad, But that bare there is a total want. affertions between you and me may not ferve, I shall support them by facts, uncontrovertible facts. When every effort was made to equip Admiral Byron's fleet, were they not forced to take the fails, and even the running rigging, from those ships that remained at Spithead in a pretended state of readiness? Have not the commanding officers on the ditferent stations applied for supplies of Rores, and told you, that without fuch supplies their cruizers could not keep the sea? And what is this oweing to, neither fails nor cordage ever came from America, and money has - been most profusedly granted? You have repeatedly boasted publicly of the state of the navy, and with an impudence peculiarly your own, you , declared, that whenever there was occasion, the superiority, in point of numbers, of our fleets, would be manifest to the world, and that you would gain the applause, and not merit the censure, of your country. With a confidential assurance that imposed on many, you declared, that whoever fuffered the fleets of the House of Bourbon to be superior to our own, was totally unfit for his

office, and liable to the fevereft reprehension for his neglest. Surange. that a man should be so lost to all fense of shame! What is now the state of facts? With straining every nerve, distreiling even your coasting trade and fishermen by an embargo as the last great effort, you force out twenty fail of the line, which, to use a vulgar phrase, (language best suited to you) were fitted out by the parish; they were to look into Brest, and, as formerly, to bid defiance to the fleet of France; but, miserable reverie, they were obliged to retreat before they got half way, to avoid a very superior force. It then appeared the French had 28 ships of the line at sea, and six more ready to join them. You thought to have trufted to the fuperior abilities of the Commander or our fleet, and, in case of accidents, to have thrown the blame on him; you would have risqued the fate of this country on a battle with fuch an evident superiority. Luckily the fuperior abilities of the Commander in Chief faved this country . from your infidious treachery. was not from want of information you acted in this manner; you knew. and I speak positively, more than a twelvemonth fince, that the fleet ar Breit was to be composed of thirty fail of the line; you knew on the return of Lord Stormont, that there were 27 fail of the line ready for fea. Are you then in any way to be justified for fending only 20 fail of the line off Brest, particularly when you knew you could not refit one ship, if she was disabled? Your present practice will not ferve you long; the many false accounts you have already given, make even truths from you suspected. But your endeavouring to depreciate the Commander in Chief, only raises him higher; whenever you make people compare his character with your own, you fink below contempt. The false reports you have propagated of the numbers

of the French flest will not do; an infulted country will call for information, you will not dare to withhold; when your convoys are intercepted, and your merchants ruined, they will enquire into the cause of their private misfortunes, though they have that their eyes to those of their country.

London, July 12. The fituation of this country at this time, is truly critical. Every thing is left to the chapter of accidents. The Ministers have no plan. They confess it; and add, they know not how to form any plan. The King, they fay, is so entirely his own Minister, they presume nor to offer any thing to him; except the temporary and immediate business of the day.

July 18. His Majesty, with the most unwearied assiduity, continues to be his own Minister. Every thing is done according to his direction, and every thing seems to prosper accordingly. Not an Ensign's commission does he sign, till he has enquired into, and settled every thing relative to him. Lord Amherst is only nominal. In short, this great King is his own Commander in Chief, his own Lord High Admiral, and his own Prime Minister.

Portsmouth, July 14. After ex-.erting ourselves to the utmost, ranfacking every place, and leaving no means untried, Admiral Keppel is at length failed again with a reinforcement. He is gone to Plymouth, where he will take all that has been collected there. The fortunate arrival of the Levant, the first Jamaica and Leeward Island sleets, was very feafonable. All the seamen were pressed. Admiral Keppel could not have had a reinforcement of above four ships, if these fleets had not arrived, for want of men. The Worcester, which convoyed the Levant - fleet has joined Admiral Keppel.

Plymouth, July 18. Admiral Keppel has had all the affiftance we could give him, and he is gone, The reinforcement confelts of the Duke, of 90; Formidable, 90; Centaur, Shrewsbury, Thunderer. Terrible, Vengeance, 74; Worcefter and Defiance, 64; making in all 29 fail of the line and 5 frigates, The Yarmouth, which came from the West-Indies, was to have made the 30th ship of the line, but the was found to be fo foul the could not go. The Vengeance and Defiance were not completely manned; the crew of the Thunderer had the small-pox: the Shrewsbury and Terrible the jail distemper. Admiral Keppel's former fleet, see p. 205.

Breft, July 8. In confequence of the hostilities committed by the English, our sleet has been reinforced, and has gone to sea. [None of the French accounts say exactly what force the French sleet is; but it is generally supposed to consist of 32 or 33 ships of the line, 17 or 18 frigates,

and 4 prames.]

Paris, July 20. On the 8th inft, the King's naval armament failed

from the Road of Brest.

The Count d'Orvilliers, Lieutenant-general, commands in chief the armament, which is divided into three squadrons. The white squadron carries the General's slag; the white and blue that of Count Duchassauk, Lieutenant-general; the blue squadron is commanded by the Duke de Chartres, Lieutenant-general.

The Commanders of the second and third divisions of each squadron, are, of the white, the Count de Guichen, Admiral, and the Sieur Hector, Captain of the ship; of the white and blue, the Count de Rochechouart, Admiral, and the Chevalier de Bausset, Captain; and of the blue the Count de Grasse, Admiral, and the Chevalier de Monteil, Captain.

The Captains of the flags of the three Commanders of the fquadron,

are

are as follow, viz. that of the General, the Sieur Dupliffis Parleault; of the Count Duchaffault's, the Sieur Huon de Karmadec; and of the Duke de Chartres's flag, the Sieur de la Motte Piquet, Admiral, and under him the Sieur de Monperoux, Captain.

On the oth inflatt, the above armament being off Ushant, the Curieuse cutter of ten guns, four pounders, commanded by the Chevalier du Rumain, gave chace to a thip which he faw at a distance, and heing arrived within hearing, ordered her to lie to: this ship, whose slag declared her to be English, would not comply with the order. The frigate Iphigenie, commanded by the Sieur de Kersaint, joined the other ship at this instant, hailed her, and hid the Captain come and speak to the General; on a formal refusal made by the Captain, the Sieur de Kerfaint gave orders for firing, and on the first shot the ship Bruck her colours.

This ship is the King of England's frigate the Lively, of 22 guns nine-pounders, and 120 men, commanded by Captain Biggs. The Iphigenic having brought the ship to the General, the Count d'Orvilliers ordered the Iphigenie to conduct her to Brest, where she arrived on the roth instant.

Letters received here from Madrid, of the 15th inflant, announce the arrival of the galloons at Cadiz on the 29th ult. which interesting news has occasioned great joy.

Translation of the King of FRANCE's Lester to the Admiral of FRANCE, authorizing, and empowering him to issue out letters of reprisal against the ships of the subjects of Great-Britain.

My Coufin, 7uly 10, 177%. The infult offered to my flag by a frigate of the King of England, towards my frigate la Belle Poule; and the feizure by an English squadron, in violation of the law of na-Vol. VI.

tions, of my frigate la Licorne, and la Pallas, and of my floop le Coureur; the feizure at fea, and the confifcation of the ships belonging to my subjects, committed by England against the faith of treaties; the continued disturbance and damage which that power has brought upon the maritime commerce of my kingdom, and of my Colonies in America, as well by their ships of war, as by their privateers, whom she has authorized and excited to commit these depredations; all these injurious proceedings together, but most particularly the infult offered to my flag, have forced me to fet bounds to the moderation I had proposed to myself. and do not permit me any longer to suspend the effects of my resentment; the dignity of my crown, and that protection which I owe to my subjects. demand that I should at length make reprifals, and all hoffilely against England, and that my vessels shall attack and endeavour to take or destroy all the vessels, or other ships belonging to the King of England; and that they stop and seize alike all the English merchant ships they may have an opportunity of taking. I therefore write you this letter to inform you, that having in consequence given orders to the Commandants of my fquadrons, and of my fea ports, to direct all my Captains of ships to fall upon those of the King of England, also upon all ships belonging to any of his subjects, to seize upon and carry them into the parts of my kingdom, my intention is, by way of reprifals for the captures made upon my fubjects, by the English privateers and armed vessels, that you will cause to be made out letters of marque and reprisals to those of my said subjects who shall sue for the same, and who are qualified to obtain them, by propoling to fit out thips of war, with sufficient force to protect the crews employed on board the said ships. I rest assured, that I shall find in the justice,

justice of my cause, in the valour of my officers, and the equipment of my ships, and in the love of all my subjects, the resources which I have always experienced from them; and my chief considence is in the protection of the God of Battles; and the present having no other aim, I pray God to take you, my Cousin, into his hely keeping. Written at Versailles the 10th of July, 1778.

Signed, LOUIS.
And underneath, DE SARTINE.

Translation of a letter from M. DE SARTINE, Minister and Secretary of the Marine Department of France, to the Officers of the Admiralty of Rouen.

Versailles, July 11, 1778.

Gentlemen,

The King has written a letter to the Admiral, in which his Majesty acquaints him, that it is his intention, that the Commanders of his ships and other vessels may have liberty to cruize against those of the King of England, as well as against the ships belonging to his subjects, and to take the same, and bring them into the ports of this kingdom.

I here add copies of the Ordinance, which the King has published concerning the prizes that shall be made at sea by his ships, frigates, and other vessels; but, by the next post, I shall send you a considerable number of these copies, to be distributed among the officers of the different departments, among whom I charge you with dispersing them, that all sea-faring people may know what they owe to the beneficence of the King, and the new obligations which this act of his muniscence imposes on their bravery and gratitude.

You will do your best endeavours to publish them throughout the extent of your jurisdiction, and conform yourselves, in every respect, to his Majesty's intentions on this subject.

You will, therefore, forthwith re-

ceive the King's Declaration concerning these armaments, and the encouragement his Majesty grants to naval adventures. I am, Gentlemen,

Your affectionate servant, De Sartine.

Translation of the Ordinance of the King of FRANCE, concerning the Prizes made by his Majesty's ships, frigates, and other vessels, dated March 28, 1778.

By the King's Authority. His Majesty having caused the ordinances and regulations made by the Kings, his predecessors, concerning prizes taken at fea by their ships, frigates, and other vessels, to be taken into confideration, it thereby appears, that the most favourable ordinances had confined the advantages resulting from the capture of prizes, to bounties for ships of war, and to one third only of the produce of the fale of merchant ships. Desirous, therefore, in case of a war, to give fresh motives of emulation and encouragement to failors and foldiers composing the crews of such ships, it is refolved, entirely to give up all ships of war and privateers, taken from the enemy, to the Commanders, officers, and crews of fuch thips as shall take them; and to referve only one third of the value of merchant thips and their cargoes, for the use of the invalid-marine cheft. In thus giving up to captors the entire value of ships of war, and two thirds of the produce of merchant ships, his Majesty is desirous, that the advantages that will refult from thefe new dispositions, which his Majesty's beneficence has dictated, should influence the conduct of the officers, feamen, and foldiers, employed in his ships and other vessels. With this view, and affured of the difinterefted zeal of the officers of his marine, he has not hefitated to adopt a division to much in favour of the seamen and crews, whose families will hereby partake of the fruits derived from the labour

Abour and valour of their fathers. In confequence whereof, his Majesty has ordered, and does order, as follows:

ART. I. All the ships, frigates, and other vessels of war, and all privateers belonging to the enemy. which shall be taken by the ships, frigates, and other vessels belonging to his Majesty, together with the cannon, arms, ammunition, tackling, provisions, and other appurtenances belonging to fuch prizes, as well as jewels, gold and filver trinkets, merchandize, and other effects, making part of the cargoes which shall be found in the said ships, frigates, floops, or privateers, shall folely belong to the officers and crew of fuch ship as shall take them, his Majesty giving up all pretensions thereto.

ART. II. All merchant ships belonging to the enemy, including those that have letters of marque, taken by the ships, frigates, and other vessels belonging to his Majesty, shall be thus disposed of, viz. the value of two thirds to the officers and crew of the captors, and the value of the remaining third to the invalid-marine chest, to which his Majesty has given his said thirds, agreeably

to the present ordinance.

ART. III. When his Majesty shall judge it proper to retain ships and frigates of war (including those of 20 guns) taken from the enemy, which shall be judged proper for his service, then the price of them shall be paid to the officers and crews of such captors, out of the invalid chest, within two months at farthest, in the following manner:

Five thousand livres for each gun mounted on a carriage, in ships of

go guns and upwards.

Four thousand livres for those of thips of 80, 74, 70, and 68 guns.

Three thousand five hundred livres for those of ships of 64, 60, and 50 guns.

And three thousand livres for those

of frigates.

In the prices here specified are included the artillery, ammunition, tackling, and other appurtenances belonging to such ships and frigates of war taken from the enemy; but gold and silver trinkets, jewels, and other merchandizes, making part of the cargoes, which shall be found on board the said ships, shall solely belong to the officers and crew of the captors, independently of the price paid by the King for such ships.

ART. IV. His Majesty will likewife retain in his service all other ships of war, privateers, and mer-chant ships of the enemy, taken by his vessels, as well as the cannon. arms, tackling, provisions, ammuhition, or merchandize, the whole of them, or in part, which shall be found on board the faid vessels, and which may be found necessary for the supply of his arsenals. The value of these to be paid within the term of two months out of the marine fund. according to the estimation that shall be made thereof by the Commissioners appointed by the Marine Council. established by the ordinance of the 27th of September, 1776, if taken and brought into either of the three ports of Brest, Toulon, or Rochfort; and by the officers of the ports, and other able judges, if carried into any other port of this kingdom, or of the Colonies.

ART. V. Every thing, which shall not be retained for the use of his Majesty, shall be sold in the usual manner, even without waiting for judgment of consistant on fuch prizes, as shall appear free from every plea of litigation; and all the expences of every proceeding, warehouse-room, guards, &c. as well as the six deniers per livre, allowed to the invalid-marine chest, shall be paid out of the produce arising from such estimations, valuations, and sales.

ART. VI. With respect to the ships, frigates, and other vessels of war, as well as privateers, belonging I i 2

to the enemy, which shall be sunk, burnt, or otherwise destroyed, by the ships, frigates, or other vessels of his Majesty, the crews of which shall be brought into any part of the kingdom, or those of the Colonies belonging to his Majesty, upon authentic proof thereof, the officers and crews of fuch thips and vestels shall receive, out of the invalid cheft, as follows:

Eight hundred livres for each gun mounted on a carriage, and belong ing to ships of the enemy's line of

battle.

Six hundred livres for each gun belonging to frigates or other ships of

And four hundred livres for each

gun belonging to a privateer.

ART. VII. The produce of prizes and bounties belonging to whole fleets, or divisions of fleets, or any fingle ship or other vessel of his Majesty, being on any particular destination, shall be thus divided:

One third among the General Officers, Commanders, and inferior officers of ships, frigates, and other

vessels.

And the other two thirds among the crews.

ART. VIII. The third part allotted to the General Officers, Commanders, and inferior officers, shall be considered as one common fund. in which all the officers of a fleet, or division of a fleet, or any single ship or other vessel, being on any particular destination, shall have their equal shares, without any regard being had to the force of fuch vessels: thus, the Vice-admiral to have thirty parts; the Lieutenant-general, twenty; the Captain of a man of war, five; and of a frigate, three and a half; the Lieutenant of a man of war, two; and of a frigate, one, &c. &c.

ART. IX. This article regulates the manner in which the remaining two thirds are to be divided among the crews, and of which the failors

have one part.

ART. X: The officers of land forces, embarked on board any of his Majesty's ships or other vessels, or on board armed transports, on account of the King, shall divide their prizes according to their degrees, corresponding with those of the marine: and the subalterns and soldiers of the faid troops shall be treated as the Royal corps of marine.

ART. XI. The crews of merchant fhips employed to attend the fleets. and freighted and armed on account of his Majesty, and of which the Captains shall be provided, for the voyage, with a commission in the navy, shall partake of prizes in the

following manner:

The Captain to have one half part, out of the third belonging to the of-

ficers.

Out of the two thirds belonging to the crews; the second captain to have four parts; each lieutenant, three parts; each naval officer, two parts; each failor, one part; each ordinary feaman, three fourths of a part; and

each cabin-boy, half a part:

ART. XII. When any fleet or squadron shall be at anchor in any port, and any part of them shall be fent on a cruize, and make prizes. the third of the value of fuch prizes, given up by the King to the officers and crews, as well as the bounties. shall belong to such cruizers, without dividing any part with the rest of the fleet or squadron at anthor; and the two other thirds shall be added to the general stock of the produce of prizes, to be divided, as well between such ships as were fent on the craize, as those which remained at anchor: but the produce of prizes, which shall be taken by any ships detached from the fleet or foundron while out at lea, whether by chace or otherwise, shall belong in common to the faid fleet or squadron, agreeably to the first, second, and seventh articles, without any deduction in favour of the captors.

ART.

ART. XIII. When privateers or armed vessels shall be ordered by the Commanders of fleets, ships, or frigates of his Majesty, to fail out of port with them, or to join them at sea, in such case only, the said privateers shall partake of the produce of prizes and bounties, during the time they shall accompany such fleet, and their shares determined according to the number of their carriage guns. without any regard to their weight of metal, or numbers of their crews; and in proportion to the number of guns of the other ships and vessels of his Majesty, in whose company such prizes shall be made. Thus, for example: if a privateer mounts twenty guns, and the King's fleet confifts of a feventy-four and a fixty-four gun ship, and a frigate of thirty guns, they shall then divide the whole into one hundred and eighty-eight parts, of which one hundred and fixty-eight shall belong to the fleet, and the remaining twenty to the privateer.

In case his Majesty's said ships or vessels shall be detached from a fleet or squadron at anchor in a port; the part belonging to the said privateers shall be regulated as if the detached ships formed a particular squadron of themselves, without any regard to those ships, which, being at anchor, could not contribute to the capture; and the part which shall belong to his Majesty's ships, shall be divided among them agreeably to the twelfth

ART. XIV. In all cases where the said privateers, not having been required to join his Majesty's ships, shall make prizes in sight of the said ships, such prizes shall solely belong to the said privateers, who, on their side, shall have no claim on the prizes made by his Majesty's ships in their sight.

article.

ART. XV. His Majesty, desirous of assisting those who may be wounded, as well as the widows and children of such seamen, as may be

killed in engagements, directs that, at the end of each voyage, the Marine Council, established in such ports, shall determine what bounty shall be necessary for such persons wounded in battle, as well as to the widows and children of those who shall be killed, or afterwards die of their wounds; independently of the such wounded men, who, in consequence of their wounds, are incapable of serving; as well as to such widows whose situation shall require assistance.

ART. XVI. The treasurer of the invalids of the marine shall give a particular account of the third of the produce of merchant ships taken from the enemy, which his Majesty has given up to the said chest of invalids; and also an account of the particular sums, which the said chest shall have occasion to pay, as well for the estimations and bounties laid thereon by the third, sixth, and afteenth articles, as for such extraordinary bounties as his Majesty shall please to bestow on distinguished merit.

ART. XVII. His Majesty further enjoins all Commanders of thips, and other officers of his marine, exactly to conform to every thing prescribed in the different ordinances respecting the capture of prizes, and particularly the ordinance of the 2d of January, 1760, which orders them, as well as those who are detached to bring in prizes, to deliver, within twenty-four hours, to the Registers of the Admiralty at the ports to which fuch prizes shall be carried, a formal and circumitantial declaration of what ships or vessels were in company when fuch prizes were taken, under pain of being deprived of their thares of such prizes.

His Majesty orders and commands the Duke de Penthievre, Admiral of France, the Vice-admirals, Lieutenants-general, Commodores, Captains and other officers of ships, Commanders of ships, frigates, and

other

other vessels, Commanders of ports, Comptrollers of the navy, Commisfaries-general of ports and arsenals, the Officers of the Admiralty, and all others whom it may concern, to pay due attention, in their different departments, to the execution of this ordinance.

Given at Verfailles, the twentyeighth of March, one thousand seven hundred and seventy eight.

Signed, LOUIS.

Counterfigued, DE SARTINE.

The Duke de PENTHIEVRE, Admiral of France, Governor and Lieutenant-general for the King in his Pro-

wince of Bretagne.

In obedience to the above ordinance of the King, addressed to us, we command all those over whom our power extends, to execute, and cause it to be executed, each in their different departments, according to the form and tenor of the same; we order the Officers of the Admiralty to conform thereto, as far as it concerns them, and to cause it to be entered in their registers.

Given at Anet, the fourth of May, one thousand seven hundred and se-

venty-eight.

Signed, L. I. M. DE BOURBON.

Counterfigued.

By order of his Serene Highness, Signed, DE GRANDBOURG.

Berlin, July 10, 1778.
The following Manifesto was remitted yesterday to the different soreign Ministers residing at this Court, and was published here this day; in consquence of which his Excellency Count Cobentzel, the Imperial Ambassador here, quitted this capital soon in the morning, and letters of recall were immediately dispatched to Baron de Reidesel, his Prussian Majesty's Minister at the Court of Vienna.

MANIFESTO, or Declaration of the Motives which engaged his Majesty the King of PRUSSIA to make war against the Emperor of GERMANY. His Majesty the King of Prussia was in hopes, ever fince the treaty of peace of Hubertsburgh, to live in constant harmony with the Court of Vienna, and with that view, his Majesty has employed all possible means to cultivate the friendship and affection of their Imperial and Royal Majesties the Emperor and the Empress Queen of Hungary. It is, therefore, with the greatest grief and concern, that his Majesty finds this good harmony disturbed by the unexpected difmembering of the Electorate of Bavaria, undertaken by the Court of Vienna, after the death of the late Elector of that country. His Majesty could not help immediately confidering these proceedings as directly opposite to all justice, and the known rights of the nearest heirs to the dominions and allodials of Bayaria: but also contrary to the safety, liberty, laws, and constitution of the German Empire; and therefore caused several well-grounded, friendly, and repeated representations to be made to their Imperial Majesties, in order to engage them to defift from their undertaking. From hence have refulted explications, discussions, and negociations of long duration, which at last have produced nothing but a general armament throughout all the Austrian dominions; and things being thus carried to the utmost extremity, without any plausible reason offered by the Court of Vienna for its proceedings in this affair, his Prusiian Majesty cannot desist any longer from offering to the different powers of Europe, to the respective States of the German Empire, as well as to the public in general, the just motives, which have induced him to oppose the dismembering of the Electorate of Bayaria, and to affift, with

all possible zeal, the parties thereby oppressed. To this his Majesty finds himself in duty bound, as a guarantee of the treaty of Westphalia, as an Elector and Prince of the Empire, whose assistance has been claimed and required by his friends and allies, the aggrieved Princes, and only legitimate heirs to the Bavarian dominions and allodials; and lastly as a Monarch effentially interested in the conservation of the rights and privileges, as well as the undisturbed posfession of the respective dominions of each member of the German Empire; and consequently obliged to oppose the dismembering of one of the most considerable Electorates, the rights and titles to which, in virtue whereof the Court of Vienna has taken possession of the greatest part of the faid Electorate, have in the course of this long negociation been amply and forcibly proved to be groundless, and founded only on the following frivolous pretences, viz.

1. Upon a pretended investiture granted the 10th of March, 1426, to Albert Duke of Austria, by the Emperor Sigismond, who, according to the constitution of the Empire, had neither right nor power to grant it, and who for these very reasons, and with full knowledge of the cause, was obliged to revoke it in the most solemn manner, in an assembly of the Princes and Ambassadors from the different states of the Empire, holden for that purpose, at Presburg in Hungary, on the 26th of April, 1429.

2. Upon an agreement made between the faid Emperor Sigismond and the faid Duke Albert of Austria, his son-in-law, on the 21st of March, 1426, which was also rendered void by the revocation of the above-mentioned investiture, upon the validity of which only it was grounded.

3. Upon a reversion of these Bavarian dominions, granted to the House of Austria, in the year 1614, by the Emperor Matthias, who, after the example of the Emperor Sigismond, was obliged to revoke and annihilate the same in the year 1618.

4. Upon a Convention of the third of January, 1778, extorted by force from his Serene Highness the present Elector Palatine; which, though it had been made with his free consent. would be of no validity notwithstand. ing, fince that Prince has neither the right to violate the laws of the German Conflitution, nor the family compacts of his House, nor that of disposing of his hereditary dominions to the prejudice of his heirs and fucceffors. In short, a Convention which is directly contrary to the capitulation of his present Imperial Majesty; to the guarantee of his own House to the treaty of Munster; to the Golden Bull; to the treaties of Pavia in 1329 and 1529; to that of Ofnabruck in 1620; and to the treaty of Westphalia in 1648; as also to the different family compacts between the Houses of Bavaria and Palatine made in the years 1425, 1524, 1724, 1746, 1766, 1771, and 1774, all of which were founded upon the treaty of Pavia, and approved and confirmed by the different Emperors and Electors, agreebable to the laws and constitution of the Empire.

It is consequently in consideration of these manifest contraventions of the Court of Vienna, that his Prussian Majesty has done all that lay in his power to engage his Imperial Majesty peaceably to evacuate the Bavarian dominions, and to submit his claims and pretentions, conformably to the laws and conflitution, to a legal decision of the Princes and Members of the Empire. But all his efforts and reasonable propositions, far from making any impression upon the minds of their Imperial Majesties, have had no other effect than an offer made by the Court of Vienna, that in case his Prussian Majesty would not oppose their dismembering the Electorate of Bavaria, the House of Austria, from a fense of gratitude, would make no opposition to the remitting of the Margraviate of Anspach-Bareith to the Electorate of Brandenburgh, after the decease of the present reigning Margrave. This proposition leads to three different important observations: 1. It clearly demonstrates that the Court of Vienna is sensible of the illegality of its taking possession of the Bayarian terinteries, as otherwise it would not offer a pretended indemnification to the King of Prussia, who, as their Imperial Majesties pretend, has no right to controul them in their projects. 2. It intimates an intention in the Court of Vienna, to question the natural rights, universally acknowledged as incontestible, of the legitimate succession of the House of Brandenburgh to the Margraviate of Anspach-Bareith; a doubt, which personified injustice itself would hardly dare to express. 3. That if even the reversion of Anspach-Bareith to the House of Brandenburgh was manifestly unjust, their Imperial Majesries would be, notwithstanding, ready go acknowledge and support the same by force, to the prejudice of the parnes that might be interested therein, provided they were left uncontrouled in their present usurpation of Bavaria.

But this offer, being unjust, could not be admitted by the King of Frustia, and therefore their Imperial Majesties declared, as their final refolution: That they would not absorbidely evacuate any part of the Bavarian territories; that his Prussian territories; that his Prussian territories; that his Prussian synthous any farther examination, but he jatisfied with the manner in which the have expessed the same. The King has thereupon thought proper, after the example of the Court of Vienna, to break off all farther ne-

gociation upon this affair.

It would therefore be againft all reason to suppose his Prussian Majesty to be the aggressor in the war, which he finds himself under the necessity

to undertake, as it has been sufficiently proved that the Court of Vienna has began the aggression, by invading the Bavarian dominions without any right or title, and wresting from the Palatine House the just reversion of its patrimony. His Maiesty therefore hereby declares, that his sole object in this measure is to support the laws and constitution of the German Empire, which have been injured in the most arbitrary manner by the very Prince, who from his quality as Chief of the Empire, ought to have been their most frenuous protector; to affift those Princes. his friends and allies, who are thereby injured and oppressed; and that he has no other particular views therein, than his own security and the confervation of the system of the Empire, having, for this purpose, given many repeated and convincing proofs of his difinterestedness, during the whole course of this long negociation. His Prussian Majesty consequently flatters himself, that not only the different states of the Empire, but also all the respective powers of Europe, and especially those which are guarantees to the treaty of Westphalia, or which otherwise are interested in the integral confervation of the great and respectable G rmanic Body, on which, in a great measure, depends the happiness of all Europe; that these powers and states will acknowledge the justice of the war which the King finds bimfelf obliged bereby to declare against the Heuse of Austria; and, that far from opposing him in his undertaking, the faid powers and states will rather join and affift him by fuch means as their wisdom shall suggest, to oblige the Court of Vienna to defift from its usurpation of the Bavarian dominions, to maintain the treaty of Westphalia, and to restore and preserve the original fystem and fundamental constitution of the German Empire. Berlin, July 7, 1778.

Published by order of the KING.

Translation

Translation of the King of PRUSSIA's MANIFESTO, containing his Majefty's Reasons for opposing the Emperor in the Dismemberment of Bavaria. The King ever fince the peace of Hubertsbourg hath flattered himself, that he should live in constant harmony with the Court of Vienna, To preserve that harmony, the King hath daily studied how to cultivate the friendship of his Imperial Majesty, the Emperor of the Romans, and of her Imperial Majesty, the Empress Queen of Hungary and Bohemia. After having used the necessary means, and after having tried the most effectual measures, it is with infinite pain that his Majesty now perceives an interruption of this harmony, and that it is disturbed by the intended dismemberment of Bavaria. which the Court of Vienna hath undertaken, ever fince the death of the late Elector. The King cannot confider the scheme now adopted in any other light, than as being diametrically opposite to justice; contrary to the long established allodial free tenures of Bavaria, as well as repugnant to the fafety, and destructive of the liberty of the conflitution of the German Empire.

His Prussian Majesty hath continually reiterated his representations in a manner the most mild and amicable to their Imperial Majesties, in order to induce them to defist from their defigns. The refult of these, his representations, were explications, discussions, and tedious negotiations. But all his Majesty's propositions and endeavours of accommodation have not produced any other effect than that of a general armament. ters being driven to the last extremity, his Prussian Majesty cannot any longer dispense with giving to the different powers of Europe, to the flates of the Empire, and to the world at large, the just and real motives, which engaged him to oppose the views and defigns of their Imperial Yor. VI.

Majesties in the dismemberment of Bavaria, and to engage himsels in the cause of the oppressed. His Majesty will also accompany those motives with a faithful recital of what hath passed from the commencement of the dispute down to the present period, in this very important and interesting affair, and his Majesty will subjoin his justifications for his oppositions to their Imperial Majesties.

Maximilian Joseph, Elector and Duke of Bavaria, dying on the 30th of December, 1777, without leaving any descendants, and the Wilhelminian or Ludovician line of the House of Bavaria becoming extinct by that demise, the Elector Palatine, as the male issue of the same father in a direct line, took possession the same day of all the country which loseph held. by virtue of letters patent published. in his name; and no person whatever could doubt, but after this indispenfible title, the Elector Palatine should have enjoyed the whole of the Electorate, except what the allodial inheritors of the free tenures held. But in the middle of January, 1778, it was known from all quarters, that her Majesty, the Empreis Queen, had marched a body of her troops into Bavaria, and had taken possesfion of a confiderable part of the Electorate, and had made a convention with the Elector Palatine. On the 20th of January, 1778, Prince Kaunitz Reitberg, the chancellor of the Imperial Court, delivered to seron Reidesel (his Prussian Majesty's envoy at the Court of Vienna) as well as to all the foreign ministers at the Imperial Court, a rescript, purporting, "That her Majesty, the Empress Queen, had her claims on the Bavarian succession, which she claimed by a reversion from the heads or chiefs of the fiefs of Bohemia, by furvivership, on the district of Mindleheim in Swabia, and by a real and bona fide investiture given by the Emperor Sigismund to the House of

Austria.

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Austria. That the Elector Palatine had acknowledged those claims, and that her Imperial Majesty had actually marched a sufficient number of troops towards Bavaria, because the Elector Palatine had taken possession of all the Bavarian estates, but that in a short time afterwards, all misunderstanding being adjusted, she had recalled the greatest part of her army from Bavaria, and had only left a sufficient number of her troops to maintain possession."

His Majesty certainly received this intelligence with all due acknowledgments, but from the general opinion his Majesty entertained of the nature of the Bavarian succession, he held himself bound to transmit to the Court of Vienna, by the hands of his envoy, Baron Reidesel, delivered on the 7th of February, 1778, a rescript, communicating in very amicable terms, the following detail of his Majesty's doubts and observa-

tions:

"What part of the districts in the Upper Palatinate, the Crown of Bohemia would consider as siefs granted, without any exception whatever, by the peace of Westphalia to the Palatinate, in default of the Bavarian issue?

"How an Imperial claim, confered without the confent of the Empire, could operate to the difmemberment of a Grand Duchy and Electorate, belonging to all the branches of the Palatine House, by virtue of the treaty of Pavia, the Golen Bull, and the peace of Westphalia?

"How, also, the Elector Palatine could be so imposed on, as to cede to a foreign line, so important and antient a patrimony, to the great prejudice of the collateral Palatine branches, as well as all the allodial

heirs?

feized several of the Bavarian districts, which he seemed to consider as vacant siefs of the Empire, it was

hoped that it was not his Imperial Majesty's intentions to continue his troops in possession of those districts, or otherwise to dispose of these sies, than by the united concurrence of all the Imperial Powers, conformable to the 11th article of the Germanic capitulation?

4 That his Prussian Majesty, as a Prince of the Empire, could not behold with an eye of indifference such singular arrangements, so highly injurious to the constitution of the Em-

pire?

"That his Pruffian Majesty expects it not only from the justice, but from those exalted sentiments which characterize their Imperial Majesties, that they would listen to his friendly remonstrances, in order to adjust every claim on the Bavarian succession, in a manner most conformable to the rights of the different parties interested, and to the constitution of the German Empire."

To the preceding representations, Prince Kaunitz returned an answer to Baron Reidesel on the 16th of February, which only served to raise the doubts, distrusts, and objections of his Prussian Majesty still higher.

His Majesty found himself by the reasons contained in the above anfwer so little convinced, that he was obliged to transmit to the Court of Vienna, on the oth of March, a new memorial, in which was precisely, clearly, and in the most convincing manner shewn, the insufficiency of her Imperial Majesty's pretensions on Bavaria, and which memorial required her Imperial Majesty instantly: "To put all things in the fituation they were in at the death of the late Elector of Bavaria—to attend to the means of conciliation, by which the fuccession to Bavaria might be atranged in a proper manner, fo as to preserve the balance of the Empire. as well as the constitution and the peace of Westphalia, to insure the rights and interests of the Elector of Saxony,

Saxony, of the Palatine Princes, and objects nearer his heart, than they the Dukes of Mecklenburgh."

All the Princes of the Empire havhis Prussian Majesty for his intervention, this was one of his Majesty's strongest motives for pressing his representations.

The Imperial Court judged it proper to reply to this request, made on the 5th of April, as follows:

"That they would no longer. continue discussing their own rightsthat they would not defift from keeping possession of territories legally acquired—that justice should be rendered to those who had the least pretensions to it, but that her Imperial Majesty would never admit that a Prince of the Empire should arrogate to himself the authority of IUDGE or TUTOR in his co-principalities, or to contest about their rightsthat the Court of Vienna knew how to DEFEND, and even to AT-TACK, him who durft presume to do it: --- that, notwithstanding, they should adopt every admissible means which could be judged proper, to maintain the general tranquility."

Although this answer-was as extraordinary as it was ill-founded, and nearly refembled a declaration of war. yet his Prussian Majesty, willing and fludious of observing all possible moderation, transmitted to the Court of Vienna, on the 20th of April, a fresh memorial, which declared and proved.

"That his Majesty did not merit those reproaches—that he neither pretended to erect himself into the office of JUDGE or a TUTOR of his co-princes; but that he thought himself authorised and obliged to protest against the open, unjust, and arbitrary diffmemberment of the Bavarian succession; that the maintenance of the general tranquility, and a good understanding and harmony between the two Courts, were not

were defired by their Imperial Majesties; but that they ought to know, ing, during this interval, called on that the Court of Vienna, which had taken care to possess itself of litigious objects, should explain what was meant by admissible means to regulate the Bavarian succession."

On the 7th of May, Prince Kaunitz replied to this by a memorial, to which there was subjoined, " an analysis, or refutation, of the two memorials from the Court of Berlin of. the 9th of March, and of the 22d of April." In the memorial of the 7th of May, the Court of Vienna had attempted to enforce the following positions:

" That his Imperial Majesty had not violated any principle of law in. the Bavarian procedure:—that the Elector Palatine did not complain of that court:-that her Imperial Majesty did not oppose the pretensions, even of the Elector of Saxony, or the Dukes of Mecklenbourgh: - that the Duke de Deux Ponts had not any right to interfere, until the Sulzback line should be extinct; nevertheless, the Court of Vienna chose to produce their complaints, in order that their rights might be examined conjointly with the pretentions of the Empress Queen, and that a legal decision might put an end to a contestation, which the Court of Berlin had thought proper to excite."

The impartial public will easily recollect that these general arguments, and the apparent invitation to a legal: decision, prove nothing in favour of the Court of Vienna, so long as it maintains possession of the object of contention, which it is half usurped. by its own authority, and as long as it is not regulated in a legal manner. by forme competent and impartial tribunal, the contestation between the Court of Vienna and the Duke of Deux Ponts, as well as the Elector of Saxony, ought also to be discussed and c K. k a Billion of a filler

decided, his Imperial Majeffy cannot be deemed a proper judge in his own

cause.

His Prussian Majesty having also required the different states of the Empire, by Baron Schwartzenau, his Majesty's Minister at the Diet, to: join his Majesty in his representations. to their Imperial Majesties on the peculiar crisis of Bavarian affairs, in order to regulate them in a manner conformable to justice, the Austrian: minister took occasion to reply on the 10th of April by a verbal declaration, but at the same time printed, and in which, instead of speaking to any material matter in dispute, or justifying the pretentions of his Court, he only launched into aggravating farcasms, and attempted to establish the following axioms by general principles:

"That every part of the Emplre had a right to efterm and value her

own pretentions.

"That those pretended rights could not be established but by a legal decision, or by an agreement with the interested parties.

That the Empress Queen had thought proper to adopt the latter in managing with the Elector Palatine.

"That the Duke de Deux Ponts and the Elector of Saxony should have justice done them; but that she would not acknowledge the tribunal and decisions of the King of Prussia, nor permit any third state of the Empire to interfere and meddle in a matter in which that third state was no ways concerned."

It is but too apparent that these are only subterfuges and false reasonings, calculated only to obscure and embroil—When their conclusions are examined they demonstrate, that the Empress hath not chosen a legal method, that she hath not negotiated with all the principal interested parties, and that his Prussian Majesty is as much, and more interested in the just and honourable regulation of the

Bavarian succession as her said Imperial and Royal Majesty.

Any particular answer to the Court of Vienna's memorial and analysis of the 7th, hath been deferred even until this moment, as well as to the verbal and printed declaration of the Austrian Minister at Ratisbon, because it was hoped that all litigation might cease by an amicable negotiation, which was opened in the fol-

lowing manner:

The public are acquainted with the rumours in the month of February, occasioned by the armaments made on all fides, without deciding on the question, which power armed first? This is certain: that in the month of March the Court of Vienna affembled her principal forces in Bohemia and in Moravia. His Prussian Majesty was obliged by this to advance by degrees his troops in the distant provinces. In the beginning of April, his Majesty went in person into Silefia.—The Emperor, who, at ' the same time arrived in Bohemia, writ a letter on the 13th of April to the King, in which he proposed a project of convention for accommodation. A correspondence was-carried on between the two monarchs, and three letters passed down to the 21st of April, and at last they agreed to open a negotiation at Berlin, between the Imperial Minister, Count Cobenzel, and the King's ministers for foreign affairs. The Count Cobenzel, in the first conference, proposed a very laconic convention, the same that the Emperor proposed to the King, and according to which: " His Majesty was simply to recognize the validity of the convention of the 3d of January, between the Empress Queen and the Elector Palatine, as well as the legal possession of the districts of Bavaria occupied, in consequence, by her Imperial Majesty and his Pruffian Majesty was also required to leave every thing else to be fettled between the Empress Queen

and the Elector Palatine, respecting the whole of the dominion of Bavaria, or of any particular districts. The Empress Queen in return, was to consider the countries of Anspach and Bareuth as corporate appendages appertaining, by the right of primogeniture, to the House of Brandenburgh; and the Empress Queen was also to relinquish all exchanges and partitions of those countries, in favour of the convenience and pleasure of his Prussian Majesty."

To render these propositions of stronger esticacy, the Court of Vienna laid down some general principles, as things of great moment, of a pretended equity and conciliation, viz. "That one Court should put itself in the other's place; that they should demand nothing contrary to the other's dignity; nor any thing which her own Court would not in that situa-

tion infift on."

These principles were applied in this manner: that as his Prussian Majesty opposed the aggrandisement of the House of Austria in Bavaria on a principle of political convenience, the latter, on the same principle, should not oppose the aggrandisement of the Brandenbourgh House, when, one time or other, she would reunite the countries of Anspach and Bareuth to her line, and that in order to settle the matter clear and indisputably, those reasons and coalitions of interests should be the basis of the present Convention.

The Prussian Minister acquainted the Minister from Vienna, that the King opposed the dismemberment of Bavaria, only because he looked on it as totally unjust and destructive of all liberty and safety in Germany.

That his Majesty was not averse to the aggrandisement of the House

of Austria in just acquisitions.

That it was wrong to blend the prefent difmemberment, which the House of Austria had no right to do, with a distant, but incontestible ac-

quisition, belonging to the House of

Brandenburgh.

That his Majesty could not accept of a treaty, which would overthrow the very butt of his opposition, and which stated nothing upon the just reestablishment of the Palatine House in Bavaria, nor to the satisfaction of the Elector of Saxony.

The Court of Vienna absolutely refused to propose any conditions more precise than those it had laid down already, when the Prussian Minister remitted to the Count Cobenzel, on the 26th of May, a plan for a general arrangement of the Bavarian succession, in substance as sollows:

"That, for the fake of peace, endeavours should be made to engage the Palatine House to cede to the Court of Vienna two districts belonging to Bavaria, situated on the Danube and on the Inn, contiguous to Bohemia and Austria.

"That the Empress Queen should restore to the Elector Palatine what her troops occupied in Bava ia, as also what she holds in lieu thereof in Swabia, either by the Dutchies of Limbourgh and Gilders, and by those means enable that Prince to satisfy the Elector of Saxony on his allodial

pretenfions.

"That to facilitate this general arrangement, the Emperor should confer on the Elector Palatine the fiefs of the Empire vacant in Bavaria, and the Empress Queen renounce her secured foundating the assumption of Bohemia, to some districts in the Upper Palatinate, in Saxony, and Bareuth, and not oppose the future re-union of the Margravates of Traconia to the primogeniture of the Electorate of Brandenburgh, or the exchanges it might make with her neighbours."

It is submitted to the judgment of the impartial world, if this was not a proper plan to conciliate the interests of the different parties on the Bavarian succession; and that, if in ob-

ierving

serving the rules of equity and moderation, any thing proposed could be more advantageous for the Court of Vienna. That Court having nothing to infift on as a matter of right, the legal and tranquil cession of those two great districts which have so often caused divisions and feuds in Bohemia and Austria, by terminating its limits by rivers, and only demanding. as equivalents; fmall inadequate parcels of territories detached from the body of the Austrian monarchy, and of some feudal rights which are not of the least importance, and only ferving to promote altercation with its neighbouring Princes, the above propositions ought to have been received with that gratitude and confideration which the defign of them so justly merited.

In defiance of all these considerations, the Court of Vienna would neither make nor listen to any other plan, or propositions which were clear and express. Count Cobenezil, on the 6th of June, in a conference, read to the Prussian Minister a dispatch from Prince Kaunitz, in which, though still adhering to the general principles of pretended and reciprocal equity, he proposed for fresh preliminaries for a plan of conciliation,

"That the Court of Beriin should renounce all opposition to any acquisition the Court of Vienna might make or were assually possessed of in Ba-

waria.

"That the Court of Vienna should renounce on her part, all opposition against the suture re-union of the countries of Anspach and Barenth.

"That each Court should accede to any free exchange of land or territories which either might make with

its neighbours.

That they should jointly employ their good offices to bring about a reasonable accommodation between the Elector Palatine and the Elector of Saxony, on the allodial pretensions of the latter.

"That her Imperial Majefty would contribute thereto, in agreeing to give the Elector of Saxony certain advantages, meaning a remission of the feodalities of Bohemia, and in short,

"That the Palatine House should be satisfied by a voluntary exchange, upon agreeable and convenient condi-

tions."

The Prussian Minister, on the 13th of June, delivered into the hands of Count Cobenzel a Memorial, in which, after having demonstrated how much the last overtures from the Court of Vienna were vague, obscure, and unsatisfactory, it demanded a clear explanation on four certain points:

"What the Court of Vienna would keep, and what restore belong-

ing to Bavaria?

"What equivalents and what advantages it would give to the Palatine

and the Elector of Saxony?

"Whether it would confent to arrange all the Bavarian succession relative to the rights of the Elector Palatine, the Elector of Saxony, the Duke of Deux Pontz, and the Dukes of Mecklenburg, with his Prussian Majesty, as the friend and ally of those Princes, as a member of the Empire, and by his other titles, having a great right and material interest in taking part in the just regulation of this succession."

Baron Reidesel delivered the above Memorial to Prince Kaunitz, and by order of his Prussian Majesty, solicited a clear and fatisfactory answer. With this memorial the Baron made every representation that he thought the most effectual to bring about a friendly arrangement. To this memorial Prince Kaunitz delivered to Baron Reidesel, and dispatched to Berlin by Count Cobenzel, on the 24th of June, a memorial under the title of a verbal answer, in which the Court of Vienna affumed fo far as to censure the Prussian propositions, and to make their own of exceeding keeding great estimation, which verbal answer concluded with declaring,

"That if the Vienna propositions for a plan of a preliminary treaty were not adopted, all friendly arrangements would become impossible, and all further eclaircissement superstuous."

Ratisbon, July 14, 1778. His Excellency the Prussian Ambasfador to the Diet here, has laid before that august Assembly, a full and fubitantial account of the motives which have engaged his Prusfian Majesty to oppose the dismemberment of the Electorate of Bavaria, by the Court of Vienna; as also a narrative of the whole proceedings and negotiations between the Courts of Berlin and of Vienna, together with his Prussian Majesty's Manifesto. Copies of the whole of the faid transactions have also been fent to the respective Courts and refidencies of all the Electors, Princes, and States of the German Empire, accompanied with the following particular declaration; which the faid Ambassador also delivered to the Assembly of the Diet here:

The KING of PRUSSIA'S DECLARA-TION to their High Mightinesses and Most Serene Highnesses, the Elestors, Princes, and States of the

German Empire.

His Majesty the King of Prussia has thought it incumbent on him to lay before their High Mightinesses and Most Serene Highnesses the respective Electors, Princes, and States of the German Empire, a circumstantial and faithful account of the whole proceedings and negotiations between him and the Court of Vienna, on the subject of the Bavarian fuccession, together with the different memorials, answers, questions, and discussions, that have passed between the two Courts, as also all other authentic pieces and documents which bear any relation to that affair, in

order that the faid High States may be enabled to form a competent judg. ment upon the whole, and regulate their conduct accordingly. Majesty hopes that the said High States will be thereby convinced that he, in his fituation as King of Prussia and Elector of Brandenburgh, and confequently as a Monarch effentially interested in the integral preservation of the laws, liberties, and constitution of the German Empire, could not have acted otherwise than he has done; that he hath proceeded in this affair with equity, moderation, and difinterestedness; and that after his affiftance and interpolition had been duly and repeatedly claimed and required, it became his duty, as a guarantee of the treaty of Westphalia, to support and defend the natural and . much-injured rights of fo many eminent and illustrious Princes, against the all-aspiring power of the House of Austria, which, if suffered to go uncontrouled, would eafily fet up claims to other dominions, and foon proceed to the total overthrow of the whole fystem of the German Empire; his Majesty therefore flatters himself, that in this he will not only meet with the approbation, but also the most strenuous support of all patriotic. Princes and States of the faid Em-To this end his Prussian Mapire. jesty intreats the said High States to take this matter, which to effentially concerns the interest and safety of all and every one of them, into their most serious consideration, and to make their respective declarations thereupon, as foon as possible, in the General Assembly of the Empire at His Majesty farther in-Ratisbon. treats the faid High States, if in their wisdom they shall think it sit, to make the most earnest representations to their Imperial and Royal Majesties, the Emperor, and the Empress Queen of Hungary, &c. in order to engage them to evacuate the Bavarian dominions, to let the fuccession

cession thereto take its regular course, as the laws direct, and to prevent thereby the effusion of blood and all other unavoidable calamities of war. But, according to the final declaration of the Court of Vienna, there is but little hope of their Imperial and Royal Majesties complying with the said reasonable request; his Prussian Majesty flatters himself that, in case of such refusal, all the High States of the Empire will join and unite with him in one common cause, not only in adopting such coercive and effectual measures as are justifiable by the laws of nature and the constitution of the Empire, to prevent the dismemberment of arbitrary Electorate of Bavaria, to reinstate the natural and legitime heirs to the faid dominions and allodials, in their property, right, and title, and to fecure thereby the general liberty, fafety, and constitution of the Empire, against the encroachments of the menacing and overwhelming power of the House of Austria; as also in claiming and requiring, in due form, the affistance of the two Monarchs who are the guarantees of the treaty of Westphalia, and the whole German constitution, together with the aid of all other powers that are any ways interested in the integral prefervation of the whole fystem of the German Empire.

Berlin, July 10, 1778. By order of the KING.

Berlin, July 17.
On the 14th instant our Court published a supplement to the declaration of the motives which engaged Fis Pruffian Majesty to oppose the difwemherment of Bavaria, &c. which centains one of the most important discoveries that could be made at this critical juncture, as it not only gives the greatest strength to all the arguments and repeated proofs which the King of Prussia has employed, to engage their Imperial and Royal Majesties to desist from their pretensions to the Bavarian dominions, but also destroys even the very shadow of any just claims of the Court of Vienna to these dominions.—This discovery is nothing less than an authentic copy, founded on an ancient record in the Bavarian Archives, (where the strictest fearch is now making after the original document) of a public and folemn Act of renunciation to all claims and pretensions on Lower Bavaria, made and published by the very same Duke Albrecht of Austria, upon whose right and title to the said country, the Court of Vienna has, in the present dispute, founded and built all its pretensions.

This important piece is in substance

as follows:

An Act, made at Ratisbon, in the year 1429, by Albrecht Duke of Austria, Uc. by which he renounces and gives up all claims and pretensions

on Lower Bavaria.

" We Albrecht, by the grace of God, Duke of Austria, Margrave of Moravia, &c. acknowledge and make known by these presents to all who. shall see it, or hear it read: That on account of the long differences that have subsisted between us and our dear beloved Coufias and Lords, Lewis, and Ernest, and William, and Henry, all of them Counts Palatine on the Rhine, and Dukes of Bavaria, We have met at Ratisbon, and amicably fettled and ended all the faid contestations and differences; where it was stipulated, that we should divest ourselves of all claims and pretensions to the whole country of Lower Bavaria, which we had, or would have, either by our own right, or by virtue of an investiture, granted unto us by our dear beloved father Sigismund, by the grace of God, King of the Romans, &c. We therefore, by these presents, do divest ourselves, renounce and give up all claims and pretensions whatever to the faid country of Lower Bavaria, as well for

Jan a Sangaga bad for us as for our heirs and successors to the country, of Austria; in consideration whereof, we have received a fum of money, which was fixed and Ripulated, at our humble request, by the faid our dear beloved Lord and King Sigismund; and the said Dukes of Bavaria have ceded unto us all their bondimen and vassals, which they had in our country of Austria. so that the same shall henceforth be our own and our property; and the faid Dukes of Bavaria have farther given up the mortgage which they had on Milberstadt. And we have also advised and held Council with our dear, beloved Lords and coufins Frederick and Albrecht, also Dukes of Austria: that all what is here stipulated shall also be valuable and binding for them, their heirs, and fuccessors, and shall be kept truly and faithfully for ever, to which they have agreed, and testified the same in a public Act, by themselves and their tutors and curators, and which we also hereby testify, and promise to keep truly and faithfully for ever. And thereupon we have took and reteived the holy facrament. Given at Ratisbon in the year of our Lord, one thousand, four hundred and twentynine, on the day of St. Andrew the Apostle. L. S.

"Copied from, and verified with the original, by me Marcus Lorrey, Doctor of Laws, Privy Counfellor to the Duke of Bavaria; and Necarius Immatriculat. in the year 1569."

On the same record mention is made of a like authentic copy of the same Act having been made, and asterwards deposited in the Archives of Vienna; but that Court has cautiously affected a total ignorance of that Act, though it has never denied, and will certainly not dare to deny now, its existence; which is a further proof of that Court having acted, with full knowledge of the cause, in direct opposition to all equity and justice; and fully justifies the forcible measures adopted by the King of Prussia, not Vol. VI.

only to prevent injustice being done to the natural and legitimate heirs to the Bavarian dominions; but also to hinder the increase of the all-aspiring and overwhelming power of the House of Austria.

London, July 30. At a Court at St. James's, the 29th of July, 1778. PRESENT.

The King's Most Excellent Majesty in Council.

Whereas many injuries and acts of hostility have been committed, and many unjust seizures made, by the French King and his subjects, unto and upon the ships and goods of his Majesty's subjects; contrary to the faith of treaties; and whereas his Majesty has lately received advice, that such acts of hostility are now publicly encouraged and authorized by the French King's orders: his Majesty has taken into consideration these injurious proceedings of the French Court; and his Majesty, being determined to take fuch measures as are necessary for vindicating the honour of his Crown, and for procuring reparation and fatisfaction for his injured subjects, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that general reprifals be granted against the ships, goods, and Subjects of the French King, so that as well as his Majesty's fleet and ships, as also all other ships and vesfels that shall be commissioned by letters of marque, or general reprisals, or otherwise by his Majesty's Commissioners for executing the office of Lord High Admiral of Great-Britain, shall and may lawfully seize all ships, vessels, and goods belonging to the French King or his subjects, or others inhabiting within any the territories of the French King, and bring the same to judgment in any of the Courts of Admiralty within his Majesty's dominions; and to that end his Majesty's Advocate-general, with the Advocate of the Admiralty, are

are forthwith to prepare the draught of a commission, and present the fame to his Majesty at this Board, authorifing the Commissioners for executing the office of Lord High Admiral, or any person or persons by them empowered and appointed, to issue forth and grant letters of marque and reprisal to any of his Majestw's subjects, or others whom the said Commissioners shall deem sitly qualified in that behalf, for the apprehending, feizing, and taking the ships, vessels, and goods belonging to the French King, and the valials and subjects of the French King, or any inhabiting within his countries, territories, or dominions; and that fuch powers and clauses be inserted in the faid commission as have been usual, and are according to former precedents: and his Majesty's said Advocate-general, with the Advocate of the Admiralty, are also forthwith to prepare the draught of a commisfion, and present the same to his Majesty at this Board, authorising the faid Commissioners for executing the office of Lord High Admiral, to will and require the High Court of Admiralty of Great-Britain, and the Lieutenant and Judge of the faid Court, his Surrogate or Surrogates, as also the several Courts of Admiralty within his Majesty's dominions, to take cognizance of, and judicially proceed upon, all and all manner of captures, seizures, prizes and reprizals of all ships and goods that are or shall be taken, and to hear and determine the same; and according to the course of Admiralty, and the laws of nations, to adjudge and condemn all such ships, vessels, and goods, as shall belong to the French King, or the vastals and subjects of the French King, or to any others inhabiting within any of his countries, territories, and dominions; and that fuch powers and clauses be inferted in the faid commission as have been usual, and according to former precedents: and they are likewise to

to prepare and lay before his Majesty at this Board, a draft of such instructions as may be proper to be sent to the Courts of Admiralty in his Majesty's foreign governments, and plantations, for their guidance herein; as also another draft of instructions for such ships as shall be commissioned for the purposes aforementioned.

[Gazette.

Admiralty-Office, August 14, 1778. The Lords Commissioners of the Admiralty do hereby give notice, That, in pursuance of his Majesty's commission under the Great Seal. letters of marque and reprifals against the ships, goods, and subjects of the French King, will be issued to any of his Majesty's subjects, or others, who are willing to fit out any ship or vessel against France, and whom their Lordships shall deem fitly qualified for the same, upon their giving the usual security not to take, or anyways molest, the ships, goods, or effects of the subjects of his Majesty, or of his allies. PH. STEVENS. Gazette.

LONDON GAZETTE Extraordinary.

Admiralty-Office, August 2, 1778.

Captain Faulknor, of his Majesty's ship the Victory, arrived at this office yesterday in the afternoon, with a letter from the Honourable Augustus Keppel, Admiral of the Blue, and Commander in Chief of his Majesty's ships employed to the westward, to Mr. Stephens, of which the following is a copy t

Victory, at sea, July 30, 1778. Sir.

My letters of the 23d and 24th instant, by the Peggyand Union cutters, acquainted you, for their Lordships information, that I was in purfait, with the King's fleet under my command, of a numerous fleet of French ships of war.

From that time, till the 27th, the winds constantly in the S. W. and N. W. quarters, fometimes blowing frong, and the French sleet always to windward.

windward going off, I made use of every method to close in with them that was possible, keeping the King's ships at the same time collected, as much as the nature of a pursuit would admit of, and which became necesfary from the cautious manner the French proceeded in, and the difinclination that appeared in them to allow of my bringing the King's ships close up to a regular engagement: this left but little other chance of getting in with them, than by feizing the opportunity that offered, the morning of the 27th, by the wind's admitting of the van of the King's fleet under my command leading up with, and closing with, their center and rear.

The French began firing upon the headmost of Vice-admiral Sir Robert Harland's division, and the ships with him, as they led up; which cannonade the leading ships and the Vice-admiral soon returned, as did every ship as they could close up; the chace had occasioned their being extended, nevertheless they were all soon in battle.

The fleets, being upon different tacks, passed each other very close: the object of the French seemed to be the disabling of the King's ships in their masts and sails, in which they so far succeeded as to prevent many of the ships of my fleet being able to follow me when I wore to fland after the French fleet; this obliged me to wear again to join those ships, and thereby allowed of the French form. ing their fleet again, and range it in a line to leeward of the King's fleet towards the close of the day; which I did not discourage, but allowed of their doing it without firing upon them, thinking they meant handfomely to try their force with us the next morning; but they had been fo beaten in the day, that they took the advantage of the night to go off.

The wind and weather being such that they could reach their own shores before there was any chance of the

King's fleet getting up with them, in the flate the ships were in, in their masts, yards, and sails, left me no choice of what was proper and adviseable to do.

The spirited conduct of Vice-admiral Sir Robert Harland, Vice-admiral Sir Hugh Pallifer, and the Captains of the fleet, supported by their officers and men, deserves much commendation.

A list of the killed and wounded is herewith inclosed.

I fend Captain Faulknor, Captain of the Victory, with this account to their Lordships, and am, Sir,

> Your most obedient, and very humble servant, A. KEPPEL.

PHILIP STEPHENS, E/q. Secretary to the Admiralty.

List of men killed and wounded, in the astion with the French steet, the 27th of July, 1778.

Zin oj july, 1	770.	
Ships Names.	Killed.	Wounded
Monarch	2	9
Exeter	4	9 6 2 6
Queen	i	2
Shrewlbury	3	6
Berwick	10	11
Stirling Caftle	2	11
Courageux	6	: 13
Thunderer	2	Š
Vigilant	2	3
Sandwich		20
Valiant	6	26
Victory	7 6 11 5 5 4 3	24
Foudroyant	5	18
Prince George	Ś	15
Vengeance	4	18
Worcester	3	5
Elizabeth .		7
Defiance	8	17
Robuff	5	17
Formidable	.5 16	49
Ocean	2	18
America	. 1	17
Terrible	9	21
Egmont	12	19
Ramilies	12	16

Total 133

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Ll2

Officers wounded.
Lieutenant Nicholas Clifford, 2d of the Formidable.

Lieutenant William Samwell, 3d

of the Shrewsbury.

Lieutenant John M Donald, of the marines—Prince George.

Surgeon of the Elizabeth.

A. KEPPEL.

Supplement to the GAZETTE of France.

Extract from the Journal of the King's Fleet.

On the 23d of July the fleet were on a cruize W. N. W. from the island Ushant, at the distance of about thirty leagues, Scilly then bore of them N. E. at thirty leagues diftance; hazy weather; wind at W. N. W. blowing so fresh as to cause the fleet to lve too under a mainfail. At one P. M. the weather cleared up, and Admiral Count d'Orvilliers descried a great number of ships, bearing from S. W. to S. W. by W. of the French fleet; he then made a fignal for his fleet to make fail upon the starboard tack, in a line of battle a-head, the blue and white squadron, commanded by the Duke de Chaffault, to lead the van; the white (on board of which the Admiral's flag was) formed the centre; and the blue squadron, commanded by the Duke des Chartres, the rear guard. four o'clock it blew fresh at west; the Admiral made the figural for the fleet to tack, and form the line upon the larboard tack in the same manner it had been before upon the starboard tack. At this time the Admiral perceived that the ships they had before discovered, were also drawing up in a line. The wind then shifting to the S. W. these ships we had discovered then tacked in fome diforder. doubtless with a view of gaining the wind of the French fleet, which put us upon using our efforts to keep the wind of them. The Admiral made the fignal for all the fleet to tack together, and go under their courses,

and topsails close reesed; and he shewed his intention that this should be the sail he would carry during the night.

On the 24th, at one P. M. it being very stormy, the Admiral made the figual for the fleet's carrying their courses only; and when day appeared. he discovered, with infinite concern, that the Duc de Burgoyne of 80, and the Alexander of 64 guns, were separated from the fleet, and could not be feen. As the weather cleared up, we again perceived the thips we had feen the day before. The Admiral then bore down upon them, as well to reconnoitre, as to enable the fleet to form the line more perfectly, the blowing weather in the night having deranged their order of battle. The Admiral then ordered the Chevalier de Marigny. of the La Sensible frigate, to make fail a-head, and endeavour a closer examination of the ships we had defcried. From the report of the Chevalier, the Admiral judged they were the English fleet under Admiral Kep-At this time both fleets were repairing such damage as they had fustained in the night. The Admiral then made the figual of tacking to starboard, and forming the line in the same manner it had been upon the larboard tack; at noon it blew fresh, and became stormy weather; the wind from W. N. W. to W. S. At fever P. M. the fleet took in all their reefs, and the Admiral shewed his intention of carrying his two topfails and two courfes during the night.

On the 25th, at four A. M. the English fleet bore E. S. E. 1-half E. of us; at the distance of three leagues, the wind remaining at W. S. W. The fleet were employed all the day in plying to windward, and to keep the advantage of being to windward.

On the 26th, at four A. M. the English fleet bore E. by S. 1-half E. at the distance of about two leagues from us. The weather then cleared

ap, and a prospect of fair weather. At eight the Admiral made the fignal to prepare for an engagement. At half past ten he made the fignal for the fleet to tack, with all their fails out, and to form the line upon the larboard, in the same manner it had been upon the starboard tack, with intention of preserving the advantage of being to windward to receive and attack the enemy. The weather soon became hazy; the wind from S. W. to S. S. W. blowing fresh, with the appearance of soul weather, the Admiral gave up all thoughts of coming to action on this

day. On the 27th, at four A. M. or in the morning, the wind veered to west, which announced fair weather. The English fleet being E. N. E. 1-half E. two leagues and an half distant, Admiral d'Orvilliers made the signal for the fleet's forming the line of The English fleet battle a-head. had then their larboard tacks on board, as well as the French fleet; but at nine the Admiral observed the English Admiral came up with the rear of the French, and fetched or lay to windward of them; and willing to make fure of his scheme, at the same time drew nearer to the enemy, made the figural for the fleet's veering, and to form the line upon the starboard tack. No sooner was the line formed, than Admiral d'Orvilliers plainly perceived the intention of the English Admiral was to fall upon the rear of the French fleet, and to extend his line along-fide of it: to prevent which, he caused the whole fleet to tack together, and that the former order of the line

should be reversed, the blue squadron to compose the van, the white the centre, and the blue and white the rear guard. By this bold manœuvre ... which was extremely well executed. he was enabled to counteract the defigns of the English Admiral, to assist the blue squadron and take of the enemy the same advantage they intended taking of the French fleet: which was now drawn up in the best order on that line, at ten points from that the wind + blew at, we should fay, four points from the wind; when the van of the English fleet came up. (or rather fetched the rear of the blue fquadron) they found it upon the other tack in order of battle; as in referve for the moment, the white and blue foundrons bore away four points from the wind, and the ships kept too close together on the oppofite tack, to have any apprehension of the enemy's line of battle daring to break through them. The English Admiral was then forced to extend his line with that of the French, and to fight close; the firing was commenced by the blue squadron, which now composed the van, and was continued fuccessively through the whole of our line in fuch manner, that each French ship gave broadsides to, and received those of the enemy. fire was very hot on both fides for about three hours, during which it was evident that the fire from the French ships was quicker than that of the English. The position of the English to leeward, gave them the advantage of using their lower deck guns, which Admiral d'Orvilliers was anxious to deprive them of; he therefore made a fignal for the blue

* At this time the French stood to the northward upon the larboard tacks, the wind being at west, it should seem the English sleet continued to stand to the southward. The tacking altogether denotes good seamanship; to shew which seems the sole intention of this piece of discipline.

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fquadron

[†] This is so unintelligible, that it is very difficult to find any meaning in it, although defigned to convey an exalted idea of Generalship; the whole of which is no more than instead of waiting upon the starboard tacks to receive the attack from the van of the English, this great General tacked to port, and attacked their van; it is very evident that he might have sommenced the action at five in the morning, if he was disposed for action; his being to windward gave him this advantage.

fonadron to year by a fuccessive movement, and another figural for the rest of the fleet to follow, and range in order of battle upon the starboard tack: that movement was afterwards well executed, but nevertheless was too much delayed to be enabled to follow close, and extend the line from rear to van of the English fleet. as the Admiral intended. It is not furprifing that a movement which opportunity gave birth to, and was in-Rantaneous, was not perfectly laid hold of at that moment, but the Duke de Chartres having passed under the General's stern to ask his intention, Admiral d'Orvilliers answered, that his intention was to form the line in the reverse of what it was upon the larboard tack, by going to leeward of the English fleet, and depriving them of the advantage they then poffessed, which was speedily executed. This evolution stopped Admiral Keppel, who had already wore with his fleet, with an intention of attacking the rear of the French, by bearing away four points from the wind; but meeting with the French fleet opposed to his route, drawn up in order of battle, he was then com, pelled to fleer back again upon the former tack; being then to windward with his whole fleet, he arranged them in a line of battle a-head uponthe flarboard tack, an advantage his new position now gave him.

The French Admiral pursued the English t, and repeatedly offered them battle, being formed in the best order, from two in the afternoon, until ten at morning, then to leeward of them; but Admiral Keppel did not think at to accept of it, and took the advantage of the darkness of the night to effect his retreat, during which he took care not to shew any lights. During the night the French sheet carried the usual distinguishing

and other lights, in order to shew the enemy their situation.

On the 28th, at night, the French were much surprized upon their discovering the Isle of Ushant, from which they judged by their reckoning they were at the distance of 25 or 30 leagues; but this error in longitude is nothing new to ships a cruizing in the entrance of the channel, which have made many evolutions so quick as to render it impossible to keep an exact account of; this error may be ascribed to the currents only §.

The French Admiral facing himfelf off the harbour of Breft, determined to go in with his fleet, land the wounded, and repair the rigging of fuch of the fleet as had been damaged, to enable him to continue his cruize.

We have not had a return of the killed and wounded, and only know that Admiral De Chaffault is wounded in the shoulder, and that the Chevalier, his son, on board the same ship, had his leg broke.

Monfieur DE SARTINE's letter to the Admiral of France.

" Sir,

"We have gained an advantage over Admiral Keppel in an engage. ment our fleet has had with him. which we may confider rather as a fevere check than a victory; in which engagement M. d'Orvilliers has given indubitable proofs of his excellent skill and dexterity, and the Duke de Chartres of great presence of mind, tranguility, and aftonishing courage. For five days the two fleets were in view of each other, which Monfieur d'Orvilliers preserved with a view to bring Admiral Keppel to an engagement. The sea, however, was rough and dangerous, that he could not execute his design, as in that situation he could not make use of his lower

§ Here he brings the most convincing proof of his having ran away, fer he acknowledges that he was thirty leagues from Ushant when the engagement commenced.

guns,

[‡] Pursued the English. He forgets that he before said he was formed in a line to leeward of the English; that in this position he could only wait the attack of the enemy.

guns .- On Monday the 27th, however, he thought proper to get to the leeward, which manœuvre he executed within a league and a half of the enemy. The Duke de Chartres, who then found himself commanding the division attacked, prepared for a most vigorous defence, when Monsieur d'Orvilliers with his division, by an entire new manœuvre, tacked to his relief .- The English particularly annoyed the St. Esprit. Seven large thips of theirs successively attacked the Duke de Chartres, who, notwithflanding being deprived of the use of his lower artillery, answered them with great spirit and vivacity.-A ship of ours came to the relief of the St. Esprit when in very brisk engagement, and threw such a fire on the enemy as obliged them to retire with great loss and damage.—The English fleet passed in review of our whole fleet, the combat having lasted two hours, when Monf. d'Orvilliers gave a fignal to form an order of battle, which was executed in an inflant.—Our fleet was then to the leeward, and could make use of their lower batteries, which they did with finall fires from half past two in the afternoon to nine in the evening .--The English Admiral had constantly the wind, and still refused coming to an engagement. In the evening they hoisted their sails, put out their fires, and fled with nine of their largest ships exceedingly damaged. Our fleet has suffered but little, excepting five thips, which have fome need of repairing to stand a battle. Monf. d'Orvilliers finding himfelf, in the morning, master of the ocean, re-entered Brest.

Letter from an Officer on board the English Fleet.

We fell in with the French fleet of 42 fail, 32 of which we supposed to be of the line, on Thursday the 23d of July, about 1 o'clock in the afternoon, both fleets then a little

feattered; the French stood from us, but having got into order, they tacked towards us in the evening, and came on regularly. As we concluded they meant to give us battle, we lay too all Thursday night, blowing strong, but the French availing themselves of a change of wind inatheir favour, made fail, and on Friday morning they were in good order to windward. They evidently avoided coming to action, and kept to windward in excellent order till Monday the 27th.

It is impossible with an equal force to bring an enemy's fleet to action, who have the advantage of the wind without great risque and danger: but Sir Robert Harland leading the van of our fleet, passing near some of the enemies ships, was fired upon, and the van of the fleet began to engage about 12 minutes after 11. The enemy leading large on the other tack, the Victory began to fire about 40 minutes after 11, receiving the fire of the French fleet as they passed; the firing continued till is minutes past 1, when the two fleets were paffed each other.

As the French fired high with langrage and other shot, the sails, masts and vards of our fleet were so much damaged; as to make it necessary to repair and replace them; however, the Admiral tacked and stood to the enemy for about two hours; but finding the ships much damaged, he wore and made the fignal to form the line. The French then flood towardsour fleet in regular order; but as our damaged ships formed but flowly, the fleet was not in a line till near dark, the van of the French fleet being then to leeward in a line with our centre. In the night they put their lights out and bore away. It is impossible to do justice to the cool intrepidity of Admiral Keppel, who gave his directions with the same precision and good humour which so conspicuously marks his cha-

racter.

racter. Much praise is due to Sir Robert Harland, who behaved with great spirit, and brought up his divition in a very masterly manner.

The French fleet were in high order, two beautiful three-deck ships, the rest finely set off, well rigged and well managed. Their line was exact and regular, and their manceuvres superiorly excellent. The loss of the see is about 200 killed, and 400 wounded.

The great object of the French was to make us engage them to a difadvantage; and the great fault with us was an inferior number of ships.

Another Letter.

Sir Hugh Pallifer was perfuaded, that if the wind and the fituation of the ships would have admitted of his being along side of the Bretagne for ten minutes, she must have struck, as her decks were cleared of men. and she returned only about 25 guns; very flowly, in return for near three broadsides which he fired at her. The circumstances of the engagement are very easy to be understood. French were standing off against the wind; Admiral Keppel was following them: on one of the tacks, while the French were standing one way, and he another, he managed by means of good feamanship, and a little shifting of the wind, to bring up a great part of the ships of his line so near to the centre and rear of theirs, that they were enabled to carry on a smart engagement as they passed. Keppel's bringing up his ships in this manner, without regard to regularity, against a sleet of superior force, drawn up in perfect line, and to windward of him, is confidered as a most daring manœuvre, and such as could proceed only from a determination to bring the enemy to action on any terms, and a thorough consciousness of naval superiority. When the two lines had completely passed, Mr. Keppel gave the fignal to wear, that is, turn round, and purfue the

enemy, at the same time manœuvring to get the wind of them; his own thip and a few others of his division, were the first that got down, and were very near the French; but before the others could get into their, places, and form the line, (the time, necessary for which may partly be conceived, by confidering that Mr. Keppel's line was at one time ten miles in extent) the day was beginning to close. It would have been the highest degree of absurdity to begin the action then; for the French made every shew of intending to come to a general engagement. next day: and by attacking them then, he could at the utmost have hoped but for an imperfect victory; he would have committed the issue of the combat to chance, rather than to skill or courage; and so far from being able to prevent the French from escaping, he could then less hope it, as his ships had had no time to repair their rigging. The two fleets lay too as near to one another as was possible, without danger of running foul; the British sleet expecting nothing but that with the morning the engagement would commence: but towards the end of the night it was suspected, from the fignals of rockets thrown up, that the French were going off, and upon its becoming lighter, the whole of their fleet was nearly out of fight, except three ships, that were left at equal distances, and during the night had carried lights, representing the three leading ships of their divisions. The Prince George, the Robust, and another ship, were at first ordered in pursuit of these, but upon its being found that they had little chance of overtaking them, and the Captains as they passed having represented that their ships, with respect to their rigging, were not in chafing condition, the fignal was given for recalling them. However, the victory on the fide of the English is indisputable. An . SOUTH CAROLINA.

An Act for the regulation of the Militia of this State, and for repealing fuch laws as have hitherto heen enacted for the government of the Militia.

Passed March 28, 1778.

Whereas the establishment of a well regulated militia in a free State will greatly conduce to its happiness and prosperity, and is absolutely esfential to the preservation of its freedom: and whereas it is necessary that the laws hitherto enacted for the regulation of the militia of this State be amended, and reduced into one body, for the fatisfaction and better information of individuals, and for the interest and fafety of the community: Be it therefore enacted, by his Excellency Rawlins Lowndes, Efquire, President and Commander in Chief in and over the State of South-Carolina, by the Honourable the Legislative Council and the General Assembly of the faid State, and by authority of the same, That, as soon as conveniently may be after the passing of this Act, the whole militia of this State shall be divided into three brigades; and there shall be a Brigadiergeneral and a Major of Brigade appointed to each: and the feveral regiments of militia in this State, confifting of more than one thousand two hundred men, shall be divided into regiments of not less than fix hundred men each, by the majority of the Field Officers of the regiment to to be divided, and those appointed to such new regiments; and who are hereby empowered and directed to ascertain the boundaries and districts of such regiments, and the districts of the several companies of their respective regiments: to each of which regiments there shall be one Colonel, a Lieutenant-colonel and Major; an Adjusant, to be nominated by a majority of the Field Officers, and commisfioned by the Governor or Commander in Chief for the time being, Vol. VI.

and liable to be suspended by the same authority, who shall be entitled to a daily pay of three pounds, and shall be obliged to attend and instruct the feveral companies in the faid regiments, both separately and in battalion, and to examine the arms, accoutrements, and state of the regiments, and report the same every three months to the Commanding Officer: and to each company of fuch regiments, a Captain and two Subalterns, if the fame confifts of not more than fixty men, and three Subalterns; if above that number, three Serjeants, three Corporals, a Clerk, (whose duty shall be to keep always an exact, circumstantial and fair list of the company he belongs to, expressing where the several persons belonging to fuch company do respectively reside, to attend Militia Courts, and to do all fuch other business as relates to the office of a Clerk in the faid company) nor more than two drummers and one fifer: all and every of which officer and officers, respectively, shall reside in the difirict to which their regiment or company belongs.

I. And be it further enacted by the authority aforesaid, That there shall not be formed any volunteer companies in this State, after the passing of this Act; and all Colone's of the regiments of militia, wherein there are any volunteer companies of foot or troops of horse, are hereby enjoined and required to break and diffolve fuch companies of foot, whenever they respectively fail to have on the muster-roll of such company fifty good and effective men; and also fuch troops of horse, whenever they in like manner fall short of twentyfive good and effective men on the muster-roll of such troop: the officers and privates of which companies and troops shall be then liable to militia duty, as if fuch companies and troops had not been formed; and shall not be permitted to enter into any other Mп volunteer volunteer company then existing. And no person belonging to a volunteer company shall quit the same, without giving three months notice thereof; after the expiration of which time he shall be obliged to do duty in the company of militia for the district wherein he resides.

III. And be it further enacted by the authority aforesaid, That every person residing in this State, out of the district of a militia company, shall be obliged to do duty as a militia man in the company, whose district is nearest his residence; and that every Colonel and Field Officer of a militia regiment of this State, shall, once in every fix months, turn out, train and exercise the whole of their respective regiments within their proper districts, by no less than three companies at a time, at such places respectively, as by the majority of the Field Officers shall be chosen as convenient for the people; excepting any regiment of Charlestown, which shall be so turned out and exercised in battalion, once in every two months; on pain, that every Field Officer, who, not being prevented from fo doing by fickness or unavoidable neceffity, shall neglect the doing thereof, shall thereby forfeit and pay the fum of two hundred pounds for every And every Captain, fuch offence. Subaltern, Adjutant, Clerk, Serjeant, Corporal, drummer, fifer and private, who, not being prevented by fickness or other unavoidable necesfity, shall neglect or refuse to march to, or attend fuch muster, after proper notice thereof, according to the orders of the officer commanding him, in a proper manner armed and accontred, as directed in this Act, at the time and place appointed for fuch muster; or shall not, at such muster, obey all the lawful commands of the officers so commanding him: every fuch Captain, Subaltern, Adjutant, Clerk, Serjeant, Corporal, drummer, sifer or private, shall, for every fuch offence, forfeit and pay a

fum not exceeding the following; that is to fay, every such Captain, one hundred pounds; every such Subaltern, sifty pounds; every such Adjutant, sifty pounds; every such Serjeant, sifteen pounds; every such Clerk, sifteen pounds; and every such Corporal, drummer, sifer or private, ten pounds. Provided nevertheles, That no person shall be obliged to remain at any such muster above one day at a time, except in time of alarm, invasion, insurrection or rebellion against this State.

IV. And be it further enacted, by the authority aforesaid. That every Captain and Subaltern of every regiment in this State shall, once in every month, turn out, train and exercise the company under his command, within its proper district; excepting the Captains and Subalterns of the regiments of Charlestown, who shall, for fix months after the passing of this Act, turn out, train and exercise their respective companies, once in every fortnight; after which they shall be turned out, trained and exercised, once in every month. And every fuch Captain or Subaltern, who, not being prevented by fickness or unavoidable necessity, shall refuse or neglect fo to do, shall, for every such offence, forfeit and pay the following fines; that is to say, every such Captain, fifty pounds, and every such Subaltern, twenty-five pounds. And each Serjeant, Corporal, drummer, fifer, Clerk and private, who, on having proper notice of such muster. by beat of drum or otherwise, and not being prevented by sickness or any unavoidable necessity, shall neglect or refuse to repair to the place and at the time appointed for such muster of the company to which he belongs, properly armed and accoutred, according to the directions of this Act; or shall not obey, at fuch muster, the lawful commands of the officer commanding such company: every such Serjeant, Corporal, drummer.

drummer, lifer, Clerk or private, shall, for every such offence, forfeit and pay in manner following; that is to say, such Clerk or Serjeant, six pounds, and such Corporal, drummer, sifer or private, sive pounds.

V. And be it further enacted, by the authority aforefaid. That any person, on being appointed to the office of Serjeant or Corporal of the company to which he belongs, by a majority of the Commissioned Officers thereof, who shall refuse to undertake and execute the duties of fuch appointment, shall, for such refusal of the office of Serieant, forfeit and pay she fum of swenty-five pounds; and for such refusal of the appointment of Corporal, forfeit and pay the sum of pounds: Provided never-That no person shall be thelefs, obliged to ferve as Serjeant or Corporal, longer than a year at one time in feven years. And all and every process which shall be issued by the Captain and officers of any company against any person, for any offence against this Act, shall be served or executed by the Serjeant of fuch company, in which fuch person is, against whom the process issues; who is fully authorized hereby so to do: Provided nevertheless, if such Serjeant cannot be found in convenient time, that any lawful conflable shall be authorized hereby to execute fuch process; which Serjeants and constable, refpectively, shall be entitled, for so doing, to the fees allowed to constables by law, for serving process,

VI. And be it further enacted, by the authority aforefaid, That the Captains and Commissioned Officers of the different regiments of militia in this State shall, and are hereby authorized and required to hold an ordinary militia court once in every month, for the trial of offenders against this Act within their respective companies; a majority of the officers of which companies, respectively, shall have full power and au-

thority to hear and determine fuch offences, to administer the necessary oaths to witnesses, or persons having legal excuses without other evidence thereof, and to iffue the necessary processes for inflicting and enforcing the payment of fuch fines and penalties as shall be incurred by this Act, in manner as hereafter directed: Provided nevertheless, That if at any time the number of officers to any such company be not sufficient to form a majority, that then the remaining officers or officer shall have like power to hold fuch court for trial of fuch offenders, and to inflict and enforce the payment of fuch fines and penalties.

VII. And be it further enacted. by the authority aforesaid, That the Commanding Officer and Field Officers of every regiment of the State aforesaid shall, and are hereby enjoined to, hold a regimental militia court in their respective regiments, at least once in every fix months, for enquiring into the conduct of the inferior Commissioned Officers of such regiment, and the punishment of fuch of them as shall offend against this Act; and to administer the necessary oaths to evidences at such court, and to enforce the payment of fuch penalties as shall be incurred under this Act, within the jurisdiction of fuch court, in manner as directed by this Act: at which court every Captain of fuch regiment shall, once in every fix months, make a return on oath to the Commanding Officer thereof, of all fines inflicted and levied by him on any defaulter or offender, together with an account in what manner fuch fines have been disposed of or applied, and of the balance or remaining fum thereof in his Provided nevertheless, That hands. no regimental militia court, held in time of peace, shall be held out of the district of such regiment, and shall not consist of a less number than seven; of whom there shall be at least

Mm 2

one Field Officer of such regiment, and three Captains: and that every regimental militia court, held for the trial of any officer, for any offence committed by him in time of alarm, or while upon actual fervice, shall confift of at least seven members, whereof a Field Officer of the regiment to which fuch offender belongs (or, in case of the absence of such Field Officer, one to be appointed by the Commander of the expedition), shall be one, and not less than three Captains; which court shall be ordered by the Commander of fuch expedition, when he shall think neces-

fary.

VIII. And be it further enacted. by the authority aforesaid, every offence committed by a Brigadier-general at any time, or by a Field Officer, against this Act, in time of peace, and while not on fervice, shall be heard and determined by his Excellency the Prefident, or Governor and Commander in Chief. may be, and the the case Privy Council for the time being, upon complaint made to the Prefident, or Governor and Commander in Chief, as the case may be, of this State; who are hereby empowered to inflict and enforce fuch penalties as shall be incurred by such offender, under this Act; and either to fuspend, or break and degrade fuch Brigadier-general or Field Officer, from the degree and appointment of a Brigadier-general or Field Officer. And every offence committed by a Field Officer against this Act, in time of alarm, or while on actual fervice, shall be tried and determined by a militia court, confifting of feven members belonging to the regiment or detachment of fuch Field Officer; of which number one at least shall be a Field Officer, and the rest Captains: which court shall be appointed by the Commander of the body or detachment, in which the faid offender shall be, and by

whom he is commanded; and shall have power to suspend such offender until, on a report of such trial to the President or Governor and Commander in Chief, as the case may be, and Privy Council, for the time being, they shall either acquit such offender, or instict such penalties as are insticted by this Act for the offence whereof he shall be found guilty, or cause him to be degraded as afore-said.

IX. And be it further enacted, by the authority aforesaid, That all Officers neglecting to attend any court for trying offences against this Act, after being duly summoned, shall, for every such offence, forfeit the fum of twenty-five pounds; and that, at every regimental militia court, or any other militia court, held by the officers of any of the regiments of militia of this State, for the punishment of any offenders against this Act; every member of every fuch court shall, previous to the hearing or trying any such offenders publicly in such court, take the following oath, to be administered by one of fuch members to the President or eldest officer at such court, who shall afterwards administer the same to the rest of such members, viz.

"I [the person to he sworn] do swear, that I will impartially, with out fear, favour or prejudice, hear and determine upon every matter or thing, brought or to be brought before me, in this militia court, to be tried and determined, according to the best of my skill and ability, and the militia laws now in force in the State of South-Carolina.

So help me GOD."

And that no offence shall be tried or determined, whereby any person shall be punished or fined under this Act, in any such court, before the person supposed to commit such offence hath been previously summoned by a majority of the members of such court, by notice to attend the same, mentioning

mentioning for what cause, by setting forth the offence charged, and the time and place of holding fuch court, for at least ten days theretofore, in manner as herein is prefcribed; and until fuch person, so fummoned, shall thereafter wilfully make default, and not appear, according to fuch notice; or appearing, not offer such defence or excuse as, in the opinion of the majority of the court, on evidence by one or more witness or witnesses, or the oath of the party having no fuch witness, shall appear sufficient under this Act; which fummons or notice shall be written in the following form, viz.

"Mr. [the name of the offender.]
SIR,

You are hereby summoned to be and appear at [the place where the court will sit] on the day of

next, [or instant] at a militia [ordinary or regimental, as the case may be] court, then and there to be held, according to law; in order that you may shew cause, if any you have, why you should not be fined for [bere insert the offence charged.] Of which fail not at your peril.

(Signed) A. B. C. D. To Mr. E. F. G. H."

And after any determination shall be made in any militia court as aforefaid, for the fining and punishment of any offender under this Act, no execution shall issue against the goods or person of such offender, for the · levying of fuch fine or penalty, until the expiration of ten days after fuch determination, and until fuch offender shall have had at least five days previous notice of fuch determination, by a short minute of court fignifying such determination, under the hands of the members of such court, in manner following, ferved on such offender or left at his usual abode:

> " At a militia [regimental er ordinary] court, held the

day of 177, 48
by officers
of the regiment under the command of Col.

mand of Col.

Mr.

in the fum of
for what offence.]

(Signed)

Mas fined
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On the
court.

Nor shall any execution be served on the body of fuch offender, unless sufficient goods and chattels of fuch of. fender cannot be found, whereon to levy fuch fine or penalty. Provided nevertheless, That any goods or property seized under this Act shall be fold at public fale to the highest bidder, by the person so seizing them, after five days public notice thereof; who, after paying, out of the money arifing from fuch fale, the fum levied, shall return the overplus, if any there be, to the person from whom such goods were feized: on pain, that every Serjeant or constable, who shall neglect the same, shall forfeit double the value of fuch overplus to the perfon injured by detaining the fame, And all which executions against the goods and body of any offender under this Act, shall be in the following form, viz.

Execution against goods, &c.

South-Carolina, a. District.

By Commissioned Officers of the regiment of [foot or horse] militia, commanded by Col.

To the Serjeants of the company commanded by Capt.
of the said regiment: or in case no Serjeant at band, to any lawful constable of the district of

Whereas at a militia [regimental or ordinary] court, held on the day of

by Commissioned Officers in the regiment aforesaid, according to law, A. B. [the offender's name] a person liable to bear arms in the com-

pany

pany commanded by Capt. in the regiment aforesaid, hath been fined in the fum of [the offence] which he hath not paid fince the expiration of ten days after the adjudication: THESE ARE THEREFORE to command you or any of you, to levy and cause to be made of the goods and chattels of the faid A. B. the sum of and the faid goods expose to public outery for fale, after five days public notice: and after such sale deduct the faid fum of from the money arising thereon, and all reafonable charges; paying the overplus, if any there be, to the said And in case the goods and A. B. chartels of the faid A. B. cannot be found or so taken, these are further to command and require you to take the body of the faid A. B. and him fafely convey to the common gaol of the district of that you in such case also deliver him to the keeper of the faid gaol, together with this warrant; hereby commanding you, the faid keeper, to receive the body of the faid A. B. and detain him in your custody, without bail or mainprize, until he shall pay , tothe faid fum of gether with all legal charges. And for your so doing, this shall be your sufficient warrant.

GIVEN, &c. A. B. (L. S.) C. D. (L. S.)

E. F. (L. S.)

X. And be it further enacted, by the authority aforefaid, That all fines which are inflicted under this Act, for any fum not exceeding ten pounds, shall be applied by the majority of the officers of the company in which the persons paying them are, towards purchasing drums, sifes, standards and other necessaries for the said company; and the purchasing of arms, ammunition and accountements, for such persons belonging to such companies respectively, as shall, on oath, make it appear they cannot

purchase the same, without diffressing their families: Provided nevertheless, That such persons so furnished shall return the same, on removing out of the beat of such company; on pain of forfeiting, for nega lect thereof, seventy-five pounds currency, to be recovered as all fines under fix pounds are recoverable by this And that all fines recovered in any regiment in the country above ten pounds, shall be paid by the Commanding Officer, once a year, into the treasury of this State, for the use thereof; and those above ten pounds recovered in any regiment of Charlestown, shall, by the Commanding Officer, be paid at the end of every fix months, into the treafury, for the use aforesaid: Provided nevertheless, That the Major of each regiment shall receive and pay in like manner, all fines and forfeitures incurred by his Commanding Officer.

XI. And be it further enacted, by the authority aforesaid, That every Captain of every regiment of militia in this State, shall (in Charlestown immediately, and in the country within two months) after the passing of this Act, and once in every fix months thereafter, take and enroll the names of all male free inhabitants. within the districts of their respective companies, from the age of fixteen to fixty years, and shall inform them of the companies to which they belong; who are hereby obliged to turn out and do the duty of such companies, whenever their respective companies are by law obliged to be mustered or trained, or to perform any duty or-Tervice whatever: the publishing of the times and places of any fuch musttering, training or performance of any duty or fervice, by beat of drum, or any other expeditious and proper manner, shall be deemed a legal notice thereof, to oblige such persons to appear in their respective companies, in a proper and legal manner for such purposes, and in no other. every . every Captain of every regiment shall, immediately after taking such lift (which he is hereby enjoined to do twice in every year, and as often after as required by the Commanding Officer) make and return an exact copy thereof, on oath, to the Adjutant of the regiment to which he belongs; who shall therefrom make an exact roll of the officers and privates of fuch regiments, and certify the fame immediately to the Colonel of fach regiment, who shall return an exact copy thereof to the Brigadiergeneral of the brigade to which such regiment belongs, who shall return the fame to the Prefident or Governor. and Commander in Chief, as the case may be, for the time being, within fixty days thereafter; on pain that every such Captain, Adjutant, Colonel or Brigadier, neglecting or refusing so to do, shall, for every fuch offence, forfeit the sum of one hundred pounds.

XII. And be it further enacted, by the authority aforefaid, That all persons under the age of fixteen, and above the age of fixty years, are hereby excused from bearing arms. in time of peace or alarm, on making such age appear on oath. And all persons liable to bear arms by this Act, shall constantly keep in good repair at his place of abode, and appear with at every muster of the company to which he belongs, and do duty in the faid company on all occasions with, one good musket and bayonet, or a good substantial smoothbore gun and bayonet, a cross-belt, and cartouch-box capable of containing thirty-fix rounds, with at least twelve rounds of good cartridges filled with gunpowder and a leaden bullet each, fit for such mus- . ket or smooth-bore gun, and half a pound of spare powder and twentyfour spare rounds of leaden bullets or buck-thot; or one good rifle-gun and tomahawk or cutlass, with threequarters of a pound of powder and

not less than thirty-six leaden bullets proper for such risle, with an equal number of patches for such bullets; together with a cover for the lock of such mustet or gun, one ball of wax, one worm and picker, six spare slints, and one screw-driver or substantial knife: of the sitness and sufficiency of which arms, ammunition and accoutrements, the Captain or Commanding Officer of each company shall determine.

XIII. And be it further enacted. by the authority aforesaid, That every person liable to bear arms by this Act, whose arms, ammunition or accoutrements shall be found, at any muster, deficient, and not as required by this Act, shall forfeit and pay for every fuch part of his arms, ammunition or accoutrements, which shall be so deficient, a fum not exceeding three pounds. And every Commissioned Officer of any company in any of the regiments of militia of this State, may, once in every two months, and not oftener, with one or more Serjeants of the company under his command, repair to the abode of every fuch person enrolled in such company, and demand a fight of his arms, ammunition and accoutrements; and every fuch person refusing to produce fuch arms, ammunition and accoutrements to be viewed, and who shall be found defective in any of them, or not to have kept them in good order, shall, for every such refusal, or part of such arms, ammunition or accoutrements, so deficient or out of order, forfeit and pay a fum not exceeding fix pounds: Provided nevertheless, That no such person shall be fined for such deficiency of arms, ammunition or accontrements, if he can make it credibly appear to the Captain of his company, that such deficiency of such arms, ammunition and accourtements, is not from wilful neglect.

XIV. And be it further enacted, by the authority aforefaid. That the following

following persons are excused from general and ordinary musters; that is to fay, the Lieutenant-governor for the time being, and all such persons as have held the offices of President or Governor and Commander in Chief, or Vice-president or Lieutenant-governor; all Members of the Privy Council for the time being; with their Clerk and Door-keepers; the Judges of the several Courts of Justice, and Clerks of such Courts; the Masters in Chancery, Serjeant at Arms, Sheriffs with one Deputy each, Collectors of the Customs, Comptrollers, Powder - receiver, Commissary, Surveyor-general, Auditor-general. Secretary and one Deputy, Waiters and Searchers, Commissioners of the Treasury; all noncommissioned Colonels, Lieutenantcolonels, Majors and Captains, in the feveral regiments who have borne fuch commissions, or any or all of them respectively, for the space of ten years in the whole; all Officers in the Continental regiments in the fervice of this State, who shall have borne commissions for ten years successively, or who continue in the said fervice until fuch regiments be difbanded by public authority; the Members of the Senate and House of Representatives, and their respective Officers; all Officers of the Courts of Justice not before-mentioned, while attending the fame; all Justices of the Peace who actually qualify and act, and no other; all licensed Clergymen belonging to any established Church in this State; the Post-master, his Deputy and Post-riders; the Firemasters and Managers of the Fireengines in Charlestown; the Pilots and their crews; one white man to each ferry, and one to each grift mill: but all fuch persons (excepting the Lieutenant governor and the Members of the Privy Council for the time being; the Members of the Senate and House of Representatives, with their Officers, if fitting or called to

fit, with their Clerk and Doorkeeper; the Fire-masters and Managers of the Fire-engines in Charlestown, and their affiftants whilst attending their duty with the engines; the Post-master and Post-riders: the Pilots, and their crews; one white man to each ferry, one to each griftthe Commissary, Powderreceiver, and Commissioners of the Treasury) shall, in time of alarm, infurrection, invafion, or rebellion, against this State, appear properly armed and accoutred in the companies, in the districts of which they reside. And every person, who shall wilfully neglect to communicate any alarm, or notice of the approach of an enemy, shall, for every such offence, forfeit and pay the sum of five hundred pounds. And every person who, having any notice of any alarm or approach of an enemy, who, not being prevented by fickness or any other unavoidable necessity, shall neglect to repair with all convenient speed, to the place and at the time appointed for the rendezvous of the company to which he belongs, to join fuch company properly armed and accoutred, as directed by this Act, or fuffer the faid company to be actually engaged before he shall join the same; every such person so offending, shall, for every such offence, forfeit and pay a fum not exceeding one hundred pounds, with twice the amount of the tax paid by fuch offender next before such offence, or which he shall be liable to in the next affessment. And any person who, on any alarm being given, or in any manner communicated to him, shall wilfully defert from the regiment, troop or company, or diffrict of such company to which he belongs, after having joined the same, shall, for every fuch offence, forfeit and pay the fum of five hundred pounds, and treble the amount of the tax paid by fuch offender next before fuch offence, or which he shall be liable to in the next

ment affefiment; and on non-payment of the fine last above-mentioned, the faid offender shall, upon conviction thereof by a Regimental Militia Court, be committed by order of the said Court to the common gaol of the district wherein he resides, there to remain for a space of time not exceeding twelve months, without

bail or mainprize. XV. And be it further enacted, by the authority aforesaid, That all draughts which shall be made by order of the President or Governor "and Commander in Chief, as the case may be, of and from any regiment, or any of the companies of any regiment in this State. in time of alarm, invasion, insurrection or rebellion, shall be made in the manner following; that is to fay, the Captain or Commanding Officer of every company so to be draughted, shall, at the time and place appointed, cause the names of the several persons inlisted in such his respective company (Officers excepted), to be written down, each name on a small scroll of paper, which shall be folded up and put into a hat and shaken together, and the Clerk or Serjeant of fuch company shall draw out the number of names to be draughted: and the persons, whose names are so drawn, shall be obliged to march according to fuch orders as shall be given by the President or Governor and Commander in Chief, as the case may be, and to perform such fervice as he shall judge necessary for the defence of this State: And the rest of the persons belonging to such company, whose names shall be left in the hat, and not be draughted, shall remain together, with at least one Commissioned Officer and Serjeant of the company, in the district of fuch company, and shall perform the duty of patrole, in manner as hereinafter directed. Provided nevertheless. That there shall not be draughted from any regiment or com-Vol. VI.

pany at one time, more than threefourths of fuch regiment or company, to march out of the district or division of such regiment or company.

XVI. And be it further enacted, by the authority aforesaid, That when any draught shall be made from any company in this State, in time of alarm, invation, infurrection or rebellion, the part remaining of fuch company, and not fo draughted. shall, by the Officer of such company left to command fuch remaining part, be formed into patroles of at least fix men each, each of which patroles shall be under the command of a Captain of Patrole, to be appointed by the Officer of such company, and shall do constant duty, and ride patrole in the district of the company to which fuch patrole belongs, to guard the plantations, and keep the slaves in fuch district in peace and good order, and shall place proper guards, watches and fentinels, at fit and convenient places, to give notice of danger, and the more speedy advice of the fame to the President or Governor and Commander in Chief, as the case may be, of any army of this And every Commanding Officer of a part of any company remaining after a draught as aforefaid, who shall neglect to appoint such patroles, shall, for every such neglect, forfeit and pay the fum of one hundred pounds. And every other person legally appointed to, or obliged to serve in such patrole, who shall refale or neglect the duties thereof, not being prevented by sickness, or any other unavoidable necessity, shall, for every fuch refusal or neglect, forfeit and pay one hundred pounds.

XVII. And be it further enacted, by the authority aforesaid, That a Brigadier-general or a Field Officer neglecting or resusing to do his duty, or obey the lawful commands of his superior Officer, in time of alarm, invasion, insurrection or rebellion, shall, for every such offence, forseit N n and

and pay the fum of five hundred pounds, and a sum equal to three times the amount of the public tax affeffed on or paid by him, last preceeding such offence: That any Commissioned Officer, under the degree of a Field Officer, in the like case offending, shall, for every such offence, forfeit and pay the sum of three hundred pounds, and a fum equal to three times the amount of the public tax affeffed on or paid by him last before such offence: And that any Non-commissioned Officer or private in the like case offending, thall, for every such offence, forfeit and pay the fum of one hundred and fifty pounds, and a fum equal to three times the amount of the public tax affeffed on or paid by him last before such offence.

XVIII. And be it further enacted. by the authority aforesaid, That every person who shall be guilty of any infult or contempt of the authority of any Militia Court held by virtue of this Act, or who shall refuse to obey any legal order or process issued therefrom, shall, for every such offence, forfeit and pay a fum not exceeding one hundred pounds, at the discretion of the majority of such Court; and on non-payment of the fame, shall be committed by the said majority of fuch Court, to the common gaol of the diffrict wherein fuch offence is committed, to remain for a space of time not longer than a month.

XIX. And be it further enacted, by the authority aforefaid, That in every detachment from any regiment or company in this State, there shall not be less than ten privates and one Serjeant and Corporal, and one drummer, to each Commissioned Officer.

XX. And be it further enacted, by the authority aforefaid, That every mafter or person having power over, or government of any free-born

male apprentice or fervant in this State, shall, at his costs and charges. (and not of such servant or apprentice) within two months after such apprentice or fervant shall enter into his service, furnish and provide such apprentice or servant, and during his fervitude with such master, with the arins, ammunition and accourtements, required by this Act, and shall keep the same for such apprentice or fervant in good order; and shall cause such apprentice or servant to repair, completely armed and accounted therewith, to all musters, trainings and other fervices of the company in which such apprentice or fervant is enrolled : And in cafe fuch apprentice or fervant shall neglect or refuse to appear at any such muster, training or other duty of fuch company, or his arms, ammunition or accontrements shall be found deficient thereat; every fuch malter or person having the government of fuch apprentice or fervant, shall forfeit and pay the forfeitures and penalties under this Act for the fame, as if fuch offence was committed only by fuch malter or person governing such apprentice or fervant: Provided neverthelefs, That every apprentice or fervant, who, being furnished as directed by this Act, shall wilfully and of his own accord, against the express directions of the mafter or person governing him, commit any offence against this Act, such master or perion governing fuch apprentice or fervant, shall be liable to the penalties inflicted for the fame; and every fuch apprentice or lervant thall, for every fum of ten pounds to paid, ferve fuch perion fo paying the fame as a fervant, for the space of one month, and to in a greater or lefs proportion: And all fervants or apprentices shall be allowed the term of fix months after being discharged from fervitude, to provide themselves arms, ammunition and accourrements, as directed

by this Act: during which time they shall be exempted from the penalties

thereof for non-compliance.

XXI. And be it further enacted, by the authority aforesaid, That no process for any matter or cause whatever (except fedition, felony or breach of the peace) shall be served on any person at any muster in pursuance of this Act, or in going to or returning from the same, or within twenty-four hours after such return home: Nor shall any arms, ammunition or accoutrements of any persons be liable to be seized or distrained for rent in arrear, or taken by any process for any debt or damages whatfoever; on pain, that every process so served, or seizure so made, shall be void and null in law, and the person serving the same shall forfeit the sum of twenty pounds, to be recovered before any Justice of the Peace of this State, in the district where such offence is committed.

XXII. And be it further enacted, by the authority aforesaid, That any person raising or attempting to raise any mutiny or fedition in any regiment, troop or company, under arms or in array, shall forfeit and pay a fum not exceeding fifty pounds: And the Commanding Officer of such regiment, troop or company, shall have power, and is hereby authorized, to imprison and confine such offender during the time such regiment, troop or company shall be fo under arms or arrayed, as aforesaid: Provided, That if such person so offending be a fervant, and shall not forthwith pay fuch fine, so to be inflicted as aforefaid, the faid Commander of fuch regiment, troop or company, may cause him to be whipt on the bare back, with a number of stripes not exceeding twenty,

XXIII. And be it further enacted, by the authority aforefaid, That any Brigadier-general or Field Officer, who shall, during any alarm, inva-

in this State, raise or attempt to raise, any fedition or mutiny in any regiment or company in this State, shall, for every such offence, forfeit and pay a fum not exceeding fix hundred. pounds, and a fum equal to three times the amount of the tax affested on or paid by him next before such offence: And every Commissioned Officer inferior to a Field Officer, in the like case offending, shall, for every fuch offence, forfeit and pay a fum not exceeding three hundred pounds, and a fum equal to three times the amount of tax affeffed on or paid by fuch offender next before fuch offence: And that every Non-commissioned Officer or private, in the like case offending, shall, for every such offence, forfeit and pay a sum of money not exceeding two hundred pounds, and a fum equal to three times the tax affested on or paid by fuch offender, next before fuch of-And on non-payment of any of the faid fines above specified, the faid offenders, upon conviction thereof, by fuch persons or court as they are by this Act liable to be tried respectively, shall be committed, by the order of fuch persons or court respectively, to the common gaol of the district wherein the offence may be committed, there to remain for a space of time not exceeding twelve months, without bail or mainprize. Provided, That if any Private so offending be a fervant, and incapable of paying such fine, he shall suffer the punishment of thirty-nine stripes on his bare back.

XXIV. And be it further enacted. by the authority aforefaid, That if any person shall remove from the district of the company to which he belongs, and shall reside in district of another company, such person so removing, shall be liable to the duties of the company of the district from which he so removes, and all the penalties of this Act for not sion, inforrection or rebellion of or performing the same, as if such per-Nn2

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fon had not foremoved, until he shall produce from the Captain of the district to which he hath so removed, a certificate to the Captain of the district from which such person is removed, certifying that he is enrolled and enlisted in the company of that district in which he then resides: Provided, that no person removing or absconding from Charlestown in time of danger or alarm, shall be entitled to such certificate.

XXV. And be it further enacted, by the authority aforefaid, That the Prefident or Governor and Commander in Chief for the time being, as the cafe may be, by and with the advice and confent of the Privy Council, shall have full power, and is hereby authorized, on receiving any creaible information of any invalies, infurrection or rebellion, intended against this State, to order fuch arts of any of the regiments or companies of this State (not exceeding three-fourth parts of such regiments or companies) as he shall think neceffary, to be draughted at a certain time and place, and to be affembled and narched in proper order by a certain time, and to fuch place, as he shall think most proper to repel or suppress any such invasion, infurrection or rebellion; there to remain and to perform such service as he shall judge requisite and necessary for the fafety and delence of this State.

XXVI. And be it further enacted, by the authority aforefaid. That the President or Governor and Commander in Chief of this State, as the case may be, for the time being, is hereby authorized, empowered and required, on receiving any credible information of any insurrection, invasion of rebellion being actually commenced or intended against this State, to cause an alarm to be made and published throughout the same, by causing six cannon to be fired, two at a time, at three minutes distance, and by sending orders and expresses

to the several Brigadiers and Field Officers of the different regiments of militia of this State, to raise and affemble such parts of their respective brigades, regiments, troops or companies, and to march them at such time and to such place, as the President or Governor and Commander in Chief, as the case may be, shall think necessary; which alarm shall be carried throughout the whole State by the several Commissioned Officers of the militia, by firing three small arms at convenient intervals and places, and by the speedy raising of their feveral companies, and giving notice of the approach of the enemy.

XXVII. And be it further enacted. by the authority aforesaid. That any Commissioned Militia Officer, on fight, knowledge, or credible in-formation, of any infurrection, invasion or rebellion against this State, shall have full power and authority to publish an alarm by fixing three small arms, and shall raise the company to which he belongs, by beat of drum, or the most expeditious manner posfible; and shall, with all convenient speed, dispatch two expresses, one to the President or Governor and Commander in Chief, as 'the case may be, and the other to the nearest Brigadier or Field Officer of the brigade or regiment to which the faid company belongs, with an account of the cause of such alarm; which Brigadier or Field Officer of the brigade or regiment is hereby enjoined and required immediately to march a part of his brigade or regiment (not exceeding three-fourths) to the affiftance of any of the inhabitants of this State who are in danger: And all persons having knowledge of fuch alarm. thall continue and extend the fame by firing three small arms as aforesaid.

XXVIII. And be it further enacted, by the authority aforefaid, That every Captain or Commanding Officer of a company of militia of the State aforefaid, is hereby authorized, empow-

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ered and required, on discovering any pirate, Indian, sea rover, runaway flave, or other enemy, who shall, in a hoffile manner, hurt or attempt to hurt the inhabitants of this State, or any of them, in their persons or property, to assemble and raise any number of men belonging to their respective companies, and to give notice to and call to their aid the officers and men of any adjacent company, and to take, kill, destroy or disperse such pirate, Indian, sea rover, runaway flave, or other enemy; And every person belonging to any company fummoned for the purpose aforesaid, who, not being prevented by fickness, or other unavoidable necessity, shall neglect or refuse to turn out according to orders, properly armed and accoutred, on being so summoned, shall, for every such offence, forfeit and pay a fum not exceeding one hundred pounds, with a fum equal to twice the tax paid or affested on fuch person next before such offence.

XXIX. And be it further enacted, by the authority aforefaid, That in time of alarm, invasion, insurrection or rebellion, every Brigadier and Field Officer of any brigade or regiment, or Captain of any company, may, and is hereby authorized and empowered, when called out on actual service, to impress by warrant, under hand and feal, directed to any Serjeant or Corporal, any provisions, horses, waggons, boats or necessaries, which they may stand in need of in the service on which they are so called, and for the brigade, regiment, troop or company so called out on fuch fervice: And all and every of such articles shall, before disposed of to the public use as aforesaid, be appraised and valued by three freeholders or indifferent persons on oath, to be administered by any Commissioned Officer present, provided no magistrate be at hand, who shall fix the value thereof, together with fuch loss as shall be sustained by the

owner or owners of fuch things to impressed, by impressing the same; a copy of which appraisement, on oath as aforefaid, under the hands of fuch appraisers, together with a receipt for the faid articles so appraised. shall be given by the Officer by whose command the faid goods are fo impressed, to the owner of such goods; who, on delivering fuch copy of appraisement and receipt into the public treasury of this State, shall be paid the amount of such appraisement: Provided nevertheless, That every Officer who shall cause any goods or effects to be impressed as aforesaid. during an alarm and while on service. shall, immediately after the ceasing of fuch alarm, and of fuch fervice whereon fuch effects were to impressed, cause the same to be fold at public fale to the highest bidder. after ten days notice of such sale. and return within three months thereafter, into the public treasury of this State, an exact account on oath of fuch fale, together with the monics arising therefrom; and also an exact account on oath of all fuch ammunition and provisions furnished by the public, which shall then remain unexpended by any brigade, regiment, troop or company, under the command of fuch Officer, on any expedition or fervice in time of alarm, as aforefaid.

XXX. And be it further enacted. by the authority aforciaid, That every person in this State, who hath any property, power or command over any male flave or flaves in this State, as owner of fuch flaves, or as manager, attorney or truffee for the owner of any fuch flaves, shall, on the first day of January in every year, return to the Captain or Commanding Officer of the company of the district wherein such person, being owner, manager, attorney or truftee, of fuch flayes, shall reside, a faithful and true lift of all male flaves from the age of fixteen to fixty years. residing

residing in such district, and whereof fuch person is owner, or hath command and controul. as aforefaid: in which lift the names of fuch flaves shall be specified on oath by the person returning the same, to the Captain of the district wherein he or she resides, who shall return the same to the Commanding Officer of the regiment to which fuch Captain belongs, which Commanding Officer of such regiment shall cause the same, within two months thereafter, to be laid before the President or Governor and Commander in Chief, as the case may be, and Privy Council for the

time being. XXXI. And be it further enacted, by the authority aforesaid, That the Prefident or Governor and Commander in Chief, as the case may be, and Privy Council of the State aforefaid for the time being, are hereby authorized and required, when they shall think it necessary; to order the Captains of the militia of this State to enlist in their respective companies any number of fuch flaves fo returned to them as aforefaid, not exceeding one third of fuch companies, and fuch as the faid Captains shall approve of as faithful and fit for service, to be employed as hatchet-men or pioneers in fuch companies, and doing the fatigue duties thereof. The owners of every fuch flave so enlifted, shall be allowed out of the treasury of this State, the sum of ten shillings for every day such slave shall be employed or retained in such service: and in case any such slave shall be killed, maimed or wounded in fuch fervice, the owner or owners thereof shall be allowed and paid out of the public treasury of this State, fuch a fum of money as shall, by two indifferent freeholders on oath, the one to be chosen by the owner of such flave, the other by the Captain under whom he was enlifted, or an umpire also on oath, chosen by such freeholders, be deemed equivalent to

the loss sustained by such owner of the slave so killed, maimed or wounded as aforesaid; which valuation shall be made under the hand and seal of the person or persons making the same, and shall be lodged in the public treasury on payment thereof.

XXXII. And be it further enacted. by the authority aforesaid, every person having any property, command or power over any male flave, as owner, manager, attorney or trustee, who shall refuse or neglect to make out and give in such lift in manner as, and at the times, directed by this Act, shall, for every such offence, forfeit and pay the fum of twenty pounds current money: And every fuch person, who shall neglect or refuse to send and order any such flaves, in times of alarm, to join the company, in which the flave shall be enlisted as a pioneer or hatchet-man as aforesaid, after notice of such enlistment, shall, for every such offence, forfeit and pay the fum of fifty pounds current money: Which fines shall be recovered by the majority of the officers of fuch company. in which such slave is enlisted, from the owner or person having command of fuch flave, in manner as other fines are recoverable by this Act, and shall be paid into the public treasury for the use of this State.

XXXIII. And be it further enacted, by the authority aforesaid, That every poor freeman or white fervant, who shall, during any engagement or action, boldly fight any of the enemies of this State, and in such fight be maimed or disabled from labour, shall, upon obtaining a certificate thereof under the hands and feals of a majority of the Field Officers of the regiment or troop to which he belongs, be thenceforth entitled to, and shall yearly receive out of the public treasury of this State, during his life and abode in this State, the fum of one hundred pounds current money.

And

And if fuch poor freeman or white fervant so maimed or disabled shall be a married man, shall in such case, on receiving such certificate, be entitled to, and receive out of the treafury of this State, during life and abode in this State as aforesaid, the yearly fum of one hundred and fifty pounds current money. And in case any poor freeman or white fervant, being a married man, and having to the number of two children under the age of twelve years, shall lose his life in any engagement, action or fight, in the service of this State against the enemies thereof, then and in fuch case the widow of every such poor freeman or white fervant shall be from thenceforth entitled to and yearly receive, during her widowhood, the fum of two hundred pounds current money. And in case fuch poor freeman or white fervant, who shall so lose his life, shall leave no widow, but more than one child, every of fuch children being under the age of fourteen years, shall be entitled to, and yearly receive from the public treasury of this State, the fum of fifty pounds current money, until he or she shall respectively attain the faid age of fourteen years.

XXXIV. And whereas it is necesfary for the service and defence of this State, that the present artillery company in Charlestown, established by law, be augmented to a battalion, to confift of three companies in manner as hereinafter mentioned; be it therefore enacted, by the authority aforesaid, That immediately after the paffing of this Act, there shall be three companies of artillery Charlestown, to be raised out of the militia of the faid town; which three companies shall constitute a battalion of artillery: To which battalion of artillery there shall be one Major Commandant, three Captains, three Captain-lieutenants, three First Lieutenants, three Second Lieutenants, one Adjutant, one Surgeon and Affistant, one Quarter-master; twelve Serjeants, fix drummers, fix fisers, and two hundred and twenty-five rank and file; and which battalion, so constituted, shall be under the same rules and regulations as are established by any Act or Acts of the General Assembly, passed for establishing the present artillery company, in all respects whatever; and such further regulations established for the government of the militia of this State by this Act, so far as the same relates to the artillery of Charlestown.

XXXV. And whereas it may be expedient for the fafety of Charleftown, that the President or Commander in Chief, as the case may be, for the time being, should have power to order out the regiment of the Charlestown militia and the Charlestown battalion of artillery, to guard the faid town when it may not be necessary to declare the State to be in alarm: be it therefore enacted, by the authority aforesaid, That it shall and may be lawful for the President or Governor and Commander in Chief, as the cafe may be, with the advice and confent of the Privy Council, when the good order, peace and safety of Charlestown shall make it absolutely necessary, to order such regiment or battalion, or fo many companies thereof as he shall think necessary to perform the duty of a town-guard, any thing herein con-tained to the contrary thereof in any wife notwithstanding; which townguard, when on duty, shall be vested with all fuch powers, privileges and authorities, as have been heretofore given to any watch company or townguard, by any law of this State. And if any person or persons, who, by this Act, is or are made liable to perform the duty of a town-bland. shall neglect or refuse to perform the fame, when thereto legally required, all and every fuch person or persons shall be subject to such pains and pe, nalties

nalties as he is or they are made liable to by this Act, for not appear-

ing at general musters.

XXXVI. And be it further enacted by the authority aforesaid, That immediately after the passing of this Act, and once in every fix months thereafter, every Colonel or Commanding Officer of every regiment or troop, shall cause every Captain of every fuch regiment or troop to have this Act publicly read at the head of their respective companies, to the officers and privates thereof, by the Clerk of fuch respective companies; on pain, that every fuch Colonel or Commanding Officer, Captains and Clerks of fuch regiments, troops and companies, respectively, who shall neglect or refuse so to do, shall forfeit and pay the fum of fifty pounds current money, to be recovered by any person who will give information of the same to any two Justices of the peace, by warrant under the hands and feals of fuch two Justices.

XXXVII. And be it further enacted by the authority aforesaid, That all other Acts and clauses of Acts, heretofore made and enacted, and all the Resolves of the late Provincial Congress of this State, respecting the militia, are hereby repealed and annulled, and shall henceforth be deemed and taken to be of no force or effect, excepting such Act and clauses of Acts as have been made and enacted for establishing and regulating the artillery company, formed out of the militia of Charlestown; which faid Acts and clauses of Acts respecting the faid artillery company, hereby formed into a battalion, are hereby continued and enforced: Provided nevertheless, That all fines and penalties hereby declared and incurred, under and by virtue of this Act, for any defaults or offences therein mentioned, shall be held and construed to extend equally to the faid battalion of artillery, for any fuch defaults or offences made and committed by the officers and privates thereof; which faid offences shall be heard, tried and determined by the officers of the faid battalion of artillery only.

XXXVIII. And be it further enacted by the authority aforesaid, That any person or persons whatsoever, who shall be sued, impleaded, molested or prosecuted, for any matter, cause or thing done or executed, or to be done or executed, by virtue of or in pursuance of this Act; and all and every person or persons, who shall or may, by the command or in aid and affiftance of any person or persons, who shall do or execute, or cause to be done or executed, any matter or thing, by virtue of or in pursuance of the directions of this Act, shall and may plead the general issue, and give this Act and the special matter in evidence: and in case the plaintiff shall suffer a discontinuance, enter a noli prosequi, suffer a nonfuit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, and for whom judgment shall pass, his full treble costs of suit.

XXXIX. And be it further enacted by the authority aforefaid, That this Act and every matter and thing therein contained, shall be and remain in full force for seven years, and from thence to the then next seffions of the General Assembly of this

State, and no longer.

HUGH RUTLEDGE, Speaker of the Legislative Council.

In the Council Chamber the 28th day of March, 1778.
Affented to

RAWLINS LOWNDES.
THOMAS BEE, Speaker of the
General Assembly.

An Act for establishing the Constituation of the State of South-Carolina.

Whereas the Constitution or Form of Government agreed to and resolved upon by the freemen of this country, met in Congress the 26th day of March,

March, 1776, was temporary only; and fuited to the fituation of their public affairs at that period, looking forward to an accommodation with Great-Britain, an event then defired: And whereas the United Colonies of America have been fince constituted Independent States, and the political connexion heretofore subsisting between them and Great-Britain entirely diffolved by the declaration of the Honourable the Continental Congress, dated the 4th day of July, 1776, for the many great and weighty reasons therein particularly set forth; it therefore becomes absolutely necesfary to frame a Constitution suitable to that great event: Be it therefore constituted and enacted, by his Excellency RAWLINS LOWNDES, Efq. President and Commander in Chief in and over the State of South Carolina, by the Honourable the Legislative Council and General Assembly, and by the authority of the same, That the following articles agreed upon by the freemen of this State, now met in General Assembly, be deemed and held the Constitution and Form of Government of the said State, unless altered by the Legislative authority thereof: which Constin tution or Form of Government shall immediately take place and be of force from the passing of this Act, excepting fuch parts as are hereafter mentioned and specified.

I. That the stile of this country be hereafter The State of South-Caro-

II. That the Legislative authority be yested in a General Assembly, to confist of two distinct bodies, a Senate and House of Representatives; but, that the Legislature of this State, as established by the Constitution or Form of Government, passed the 26th of March, 1776, shall continue and be in full force, until the 29th day of November next enfuing.

III. That as foon as may be after the first meeting of the Senate and Vor, VI

House of Representatives, and at every first meeting of the Senate and House of Representatives thereafter. to be elected by virtue of this Constitution, they shall, jointly, in the House of Representatives, choose by ballot, from among themselves or from the people at large, a Governor and Commander in Chief, a Lieutenant-governor, both to continue for two years, and a Privy Council, all of the Protestant religion, and till fuch choice shall be made, the former Prefident, or Governor and Commander in Chief, and Vice-prefident, or Lieutenant-governor, as the case may be, and Privy Council; shall continue to act as such.

IV. That a member of the Senate or House of Representatives, being chosen and acting as Governor and Commander in Chief, or Lieutenant-governor, shall vacate his seat. and another person shall be elected in

his room.

V. That every person who shall be elected Governor and Commander in Chief of the State, or Lieutenantgovernor, or a member of the Privy Council, shall be qualified as followeth, that is to fay, the Governor and Lieutenant-governor shall have been refidents in this State for ten years, and the members of the Privy Council five years, preceding their faid election, and shall have in this State a fettled plantation or freehold, in their and each of their own right, of the value of at least ten thousand pounds currency, clear of debt; and, on being elected, they shall respectively take an oath of qualification in the House of Representatives.

VI. That no future Governor and Commander in Chief who shall serve for two years, shall be eligible to ferve in the faid Office after the expiration of the said term, until the full end and term of four years.

VII. That no person in this State shall hold the office of Governor thereof, or Lieutenant-governor, and

any other office or commission, (civil or military, except in the militia) either in this or any other State, or under the authority of the Continental Congress, at one and the same time.

VIII. That in case of the impeachment of the Governor and Commander in Chief, or his removal from office, death, refignation, or absence from the State, the Lieutenant-gbvernor shall succeed to his office, and the Privy Council shall choose, out of their own body a Lieutenant-governor of the State. And in case of the impeachment of the Lieutenantgovernor, or his removal from office, death, refignation, or absence from the State, one of the Privy Council. to be chosen by themselves, shall succeed to his office, until a nomination to those offices respectively, by the Senate and House of Representatives, for the remainder of the time for which the officer fo impeached, removed from office, dying, refigning, or being absent, was appointed.

IX. That the Privy Council shall confift of the Lieutenant-governor for the time being, and eight other members, five of whom shall be a Quorum, to be chosen as before directed, four so serve for two years, and four for one year, and at the expiration of one year, four others shall be chosen, in the room of the last four, to serve for two years, and all future members of the Privy Council shall thenceforward be elected to ferve for two years, whereby there will be a new election every year for half of the Privy Council, and a constant rotation established; but no member of the Privy Council, who shall serve for two years shall be eligible to serve therein after the expiration of the faid term, until the full end and term of four years: Provided always, that no officer of the army or navy, in the Service of the Continent or this State, nor Judge of any of the courts of law, shall be eligible; nor shall the father,

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son, or brother to the Governor for the time being, be elected in the Privy Council during his administration.—A member of the Senate or House of Representatives, being chosen of the Privy Council, shall not thereby lose his seat in the Senate or House of Representatives, unless he be elected Lieutenant-governor. in which case he shall, and another person shall be chosen in his stead. The Privy Council is to advise the Governor and Commander in Chief, when required, but he shall not be bound to consult them unless directed by law.-If a member of the Privy Council shall die or depart this State, during the recess of the General Asfembly, the Privy Council shall choose another to act in his room, until a nomination by the Senate and House of Representatives shall take place. The Clerk of the Privy Council shall keep a regular journal of all their proceedings, in which shall be entered the yeas and nays on every question, and the opinion, with the reafons at large, of any member who defires it; which journal shall be laid before the Legislature when required by either House.

X. That in case of the absence from the seat of Government, or sickness of the Governor and the Lieutenant-governor, any one of the Privy Council may be impowered by the Governor, under his hand and seal, to act in his room; but such appointment shall not vacate his seat in the Senate, House of Representatives, or Privy Council.

XI. That the executive authority be vested in the Governor and Commander in Chief, in manner herein mentioned.

XII. That each parish and district throughout this State, shall on the last Monday in November next, and the day following, and on the same days of every second year thereafter, elect, by ballot, one member of the Senate; except the district of St. Phi-

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St. Michael's parishes, lip and Charlestown, which shall elect two members, and except also the district between Broad and Saludy Rivers, in three divisions, viz. the Lower district. Little River district, and Upper or Spartan district; each of which said divisions shall elect one member; and except the parishes of St. Matthew and Orange, which shall elect one member; and also except the parishes of Prince George and All Saints, which shall elect one member. And the election of Senators for such parishes respectively, shall, until otherwise altered by the Legislature, be at the parish of Prince George, for the said parish and the parish of All Saints, and at the parish of St. Matthew for that parish and the parish of Orange; to meet on the first Monday in January then next, at the feat of Government, unless the casualties of war or contagious disorders should render it unfafe to meet there; in which case the Governor and Commander in Chief for the time being, may, by proclamation, with the advice and consent of the Privy Council, appoint a more secure and convenient place of meeting; and to continue for two years, from the said last Monday in November; and that no person shall be eligible to a feat in the faid Senate, unless he be of the Protestant religion, and hath attained the age of thirty years, and hath been a resident in this State at least five Not less than thirteen memyears. bers shall be a Quorum to do business, but the President or any three members may adjourn from day to day. No person who resides in the parish or district for which he is elected, shall take his feat in the Senate, unless he possesses a settled estate and freehold, in his own right, in the faid parish or district, of the value of two thousand pounds currency at least, clear of debt; and no non-resident shall be 'eligible to a feat in the faid Senate, unless he is owner of a settled estate and freehold, in his own right, in the parish or district where he is elected, of the value of seven thousand pounds currency at least, also clear of debt.

XIII. That on the last Monday in November next and the day following, and on the same days of every second year thereafter, members of the House of Representatives shall be chosen, to meet on the first Monday in January then next, at the feat of Government, unless the casualties of war or contagious disorders should render it unsafe to meet there, in which case the Governor and Commander in Chief for the time being, may, by proclamation, with the advice and consent of the Privy Council, appoint a more secure and convenient place of meeting; and to continue for two years from the faid last Monday in November. parish and district within this State, shall send members to the General Affembly in the following proportions, that is to fay,

The parish of St. Philip and St. Michael, Charlestown, thirty mem-

bers.

The parish of Christ Church, ax members.

The parish of St. John, in Berkley county, fix members.

The parish of St, Andrew, fix members.

The parish of St. George, Dorchester, six members.

The parish of St. James, Goose-creek, fix members.

The parish of St. Thomas and St. Dennis, six members.

The parish of St. Paul, six mem-

The parish of St. Bartholomew, fix members.

The parish of St. Holenz, fax members.

The parish of St. James, Santee, fix members.

The parish of Prince George, Winyah, four members.

Q o z

The

The parish of All Saints, two members.

The parish of Prince Frederick, fix members.

The parish of St. John, in Colleton county, six members,

The parish of St. Peter, six mem-

The parish of Prince William, six members.

The parish of St. Stephen, six members.

The district to the eastward of Wateree River, ten members.

The district of Ninety-fix, ten members.

The district of Saxe-Gotha, fix members.

The district between Broad and Saludy Rivers, in three divisions, viz.

The lower district, four members.

The Little River district, four members.

The upper or Spartan district, four members.

The district between Broad and Catawha rivers, ten members.

The district called the New Acquisition, ten members.

The parish of St. Matthew, three members.

The parish of Orange, three members.

The parish of St. David, six members.

The diffrict between Savannah River and the North Fork of Edisto, fix members.

And the election of the said members shall be conducted, as near as may be, agreeable to the directions of the present or any future Election Act or Acts. And where there are no churches or church-wardens in a district or parish, the House of Representatives, at some convenient time before their expiration, shall appoint places of election, and persons to receive votes and make returns. The qualification of electors shall be, that every free white man, and no other person, who acknow-

ledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of one and twenty years, and hath been a resident and an inhabitant in this State for the space of one whole year, before the day appointed for the election he offers to give his vote at, and hath a freehold at of least fifty acres of land, or a town lot, and hath been legally feized and possessed of the same, at least fix months previous to fuch election, or hath paid a tax the preceding year, or was taxable the present year, at least fix months previous to the said election, in a fum equal to the tax on fifty acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives, to serve as a member or members in the Senate, and House of Representatives, for the parish or district where he actually is a resident, or in any other parish or district, in this State, where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer. No person shall be eligible to fit in the House of Representatives unless he be of the Protestant religion, and hath been a resident in this State for three years, previous to his election. The qualification of the elected, if residents in the parish or district for which they shall be returned, shall be the same as mentioned in the Election Act, and construed to mean clear of debt. no non-resident shall be eligible to a feat in the House of Representatives, unless he is owner of a settled estate and freehold, in his own right, of the value of three thousand and five hundred pounds currency at least, clear of debt, in the parish or district for which he is elected.

XIV. That if any parish or district neglects or refuses to elect members; or, if the members chosen do not

who do meet shall have the powers of the General Assembly. Not less than sixty-nine members shall make a House of Representatives to do business; but the Speaker, or any seven members, may adjourn from day to day.

XV. That at the expiration of feven years after the passing of this Constitution, and at the end of every fourteen years thereaster, the representation of the whole State shall be proportioned in the most equal and just manner, according to the particular and comparative strength, and taxable property, of the different parts of the same; regard being always had to the number of white inhabitants and such taxable property.

XVI. That all money bills for the support of government, shall originate in the House of Representatives, and shall not be altered or amended by the Scnate, but may be rejected by them; and that no money be drawn out of the public treasury, but by the legislative authority of the State. All other bills and ordinances may take rife in the Senate or House of Representatives, and be altered. amended, or rejected by either. Acts and ordinances having passed the General Assembly, shall have the great seal affixed to them, by a joint committee of both houses, who shall wait upon the Governor, to receive and return the feal; and shall then be signed by the President of the Senate, and Speaker of the House of Reprecentatives, in the Senate House, and shall thenceforth have the force and validity of a law, and be lodged in the Secretary's Office. And the Senate and House of Representatives respectively, shall enjoy all other privileges which have at any time been claimed or exercised, by the Commens House of Assembly.

XVII. That neither the Senate nor House of Representatives shall have power to adjourn themselves,

for any longer time than three days, without the mutual confent of both. The Governor and Commander in Chief shall have no power to adjourn, prorogue, or dissolve them; but may, if necessary, by and with the advice and confent of the Privy Council, convene them, before the time to which they shall shand adjourned. And where a bill hath bedrieted by either House, it shall not be brought in again that session, without leave of the House, and a notice of six days being previously given.

XVIII. That the Senate and House of Representatives shall each choose their respective officers, by ballot, without controul. And that, during a recess, the President of the Senate and Speaker of the House of Representatives, shall issue writs for silling up vacancies, occasioned by death, in their respective Houses, giving at least three weeks, and not more than thirty-sive days previous notice, of the time appointed for the election.

XIX. That if any parish or district shall neglect to elect a member or members, on the day of election; or, in case any person chosen a member of either House, shall refuse to qualify and take his seat as such, or die, or depart the State; the Senate or House of Representatives, as the case may be, shall appoint proper days for electing a member or members, in such cases respectively.

XX. That if any member of the Senate or House of Representatives, shall accept any place of emolument, or any commission (except in the militia or commission of the peace) and except as it is excepted in the tenth article, he shall vacate his seat, and there shall thereupon be a new election; but he shall not be disqualissed from serving, upon being re-elected, unless he is appointed Secretary of the State, a Commissioner of the Treasury, an Officer of the Cultoms, Register of Mesne Conveyances, a

Clerk

Clerk of either of the Courts of Juftice, Sheriff, Powder-receiver, Clerk of the Senate, House of Representatives, or Privy Council, Surveyorgeneral, or Commissary of Military Stores; which officers are hereby declared disqualished from being members either of the Senate or House of Representatives.

XXI. And whereas the Ministers of the Gospel are, by their profession, dedicated to the service of God, and the cure of souls, and ought not to be diverted from the great duties of their function; therefore, no Minister of the Gospel, or public Preacher, of any religious persuasion, while he continues in the exercise of his paster, thail be eligible either as a Governor, Lieutenant-governor, a Member of the Senate, House of Representatives, or Privy Council in this State.

XXII. That the delegates to represent this State in the Congress of the United States, be chosen annually, by the Senate and House of Representatives, jointly, by ballot, in the House of Representatives. And nothing contained in this Constitution shall be construed to extend, to vacate the seat of any member, who is or may be a delegate from this

State to Congress, as such. XXIII. That the form of impeaching all officers of the State, for mal and corrupt conduct in their respective offices, not amenable to any other jurisdiction, be vested in the House of Representatives: But, that it shall always be necessary, that twothird parts of the members present do consent to, and agree in, such impeach-That the Senators and fuch of the Judges of this State, as are not Members of the House of Representatives, be a court for the trial of impeachments, under fuch regulations as the legislature shall establish: And that, previous to the trial of every impeachment, the members of the faid court shall respectively be

fwora, truly and impartially to try and determine the charge in question, according to evidence. And no judgment of the said court, except judgment of acquittal, shall be valid, unless it shall be affented to by two-third parts of the members then prefent. And on every trial, as well on impeachments as others, the party accused shall be allowed counsel.

XXIV. That the Lieutenant-governor of the State, and a Majority of the Privy Council for the time being, shall, until otherwise altered by the Legislature, exercise the powers of Court of Chancery. And there shall be ordinaries appointed in the several districts in this State, to be chosen by the Senate and House of Representatives, jointly, by ballot, in the House of Representatives, who shall, within their respective districts, exercise the powers heretofore exercifed by the Ordinary; and until fuch appointment is made, the present Ordinary in Charlestown, continue to exercise that office, as heretofore.

XXV. That the jurisdiction of the Court of Admiralty be confined to maritime causes.

XXVI. That Justices of the Peace shall be nominated by the Senate and House of Representatives, jointly, and commissioned by the Governor and Commander in Chief, during pleasure. They shall be intitled to receive the sees heretofore established by law; and not assing in the magistracy, they shall not be intitled to the privileges allowed to them by law.

XXVII. That all other judicial officers shall be chosen by ballot, jointly, by the Senate and House of Representatives, and, except the Judges of the Court of Chancery, commissioned by the Governor and Commander in Chief, during good behaviour; but shall be removed on address of the Senate and House of Representatives.

XXVIII. That the Sheriffs, qualified

lified as by law directed, shall be chosen in like manner, by the Senate and House of Representatives, when the Governor, Lieutenant-governor, and Privy Council are chosen, and commissioned by the Governor and Commander in Chief for two years, and shall give security, as required by law, before they enter on the execution of their office. No Sheriff who shall have ferved for two years, shall be eligible to serve in the said office, after the expiration of the faid term, until the full end and term of four years, but shall continue in office until such choice be made: Nor shall any person be eligible as Sheriff, in any district, unless he shall have resided therein. for two years, previous to the election.

XXIX. That two Commissioners of the Treasury, the Secretary of the State, the Registers of Mesne Conveyances in each district, Attorneygeneral, Surveyor-general, Powderreceiver. Collectors, and Comptrollers of the Customs, and Waiters, be chosen in like manner, by the Senate, and House of Representatives, jointly, by ballot, in the House of Representatives, and commissioned by the Governor and Commander in That none of Chief, for two years. the faid officers respectively, who shall have ferved for four years, shall be eligible to serve in the said offices, after the expiration of the faid term. until the full end and term of four years, but shall continue in office until a new choice be made: Provided, that nothing herein contained, shall extend to the several persons appointed to the above offices respectively, under the late constitution. And that the present, and all future Commissioners of the Treasury, and Powder-receivers, shall each give bond, with approved fecurity, agreeable to law.

XXX. That all the Officers in the Army and Navy of this State, of and above the rank of Captain, shall be chosen by the Senate and House of Representatives, jointly, by ballot, in the House of Representatives, and commissioned by the Governor and Commander in Chief: and that all other Officers in the Army and Navy of this State, shall be commissioned by the Governor and Commander in

XXXI. That in case of vacancy. in any of the offices above directed to be filled by the Senate and House of Representatives, the Governor and Commander in Chief, with the advice and confent of the Privy Council. may appoint others in their stead. until there shall be an election by the Senate and House of Representatives to fill those vacancies respectively.

XXXII. That the Governor and Commander in Chief, with the advice and confent of the Privy Council, may appoint, during pleasure, until otherwise directed by law, all other necessary officers, except such as are now by law directed to be other-

wife chosen.

XXXIII. That the Governor and Commander in Chief shall have no power to commence war, or conclude peace, or enter into any final treaty, without the confent of the Senate and House of Representatives.

XXXIV. That the resolutions of the late Congresses of this State, and all laws now of force here (and not hereby altered) shall so continue, until altered or repealed by the legislature of this State, unless where they are temporary, in which case they shall expire, at the times respectively limited for their duration.

XXXV. That the Governor and Commander in Chief for the time being, by and with the advice and confent of the Privy Council, may lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the recess of the General Assembly.

XXXVI. That all persons who shall be chosen and appointed to any office, or to any place of trust, civil or military, before entering upon the execution of office, shall take the fol-

lowing oath:

"I A. B. do acknowledge the State of South Carolina to be a free, independent, and fovereign State, and that the people thereof owe no allegiance or obedience to

I do renounce, refuse, and abjure, any allegiance or obedience to him: And I do swear, of affirm (as the case may be) that I will, to the utmost of my power, support, maintain and defend the said State, against the said and his

heirs and fuccessors, and his or their abettors, assistants, and adherents, and will serve the said State in the office of with sidelity and honour, and according to the best of my skill and understanding.

So help me God."

XXXVII. That adequate yearly falaries be allowed to the public officers of this State, and be fixed

by law.

XXXVIII. That all persons and religious focieties, who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby conflituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, thall enjoy equal religious and civil privileges.-To accomplish this deheable purpose, without injury to the religious property of those societies of Christians, which are by law already incorporated, for the purpose of religious worship; and to put it fully into the power of every other society of Christian Protestants, either already formed, or hereafter to be formed, to obtain the like Incorporation, It is hereby constituted, appointed, and declared, That the respective societies of the Church of England: that are already formed in this State, for the purposes of religious worship, shall still continue incorporate, and hold the religious property now in their possession. And that, whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves in a society, for the purposes of a religious worship, they shall (on complying with the terms herein after mentioned) be, and be constituted, a church, and be esteemed and regarded in law as of the established religion of the State, and on a petition to the Legislature, shall be intitled to be incorporated, and to enjoy equal privileges. That every fociety of Christians, so formed, shall give themselves a name or denomination, by which they shall be called and known in law; and all that affociate with them for the purposes of worship, shall be esteemed as belonging to the fociety fo called: But that, previous to the establishment and incorporation of the respective societies of every denomination as aforefaid, and in order to intitle them thereto, each fociety fo petitioning, shall have agreed to, and subscribed, in a book, the following five articles, without which; no agreement or union of men, upon pretence of religion, shall insistle them to be incorporated, and effectmed as a Church of the established religion of this State:

First, That there is one eternal God, and a future state of rewards and punishments.

Second, That God is publicly to be worshipped.

Third, That the Christian reli-

gion is the true religion.

Fourth, That the Holy Scriptures of the Old and New Testament are of Divine Inspiration, and are the rule of faith and practice.

Fifth,

Fifth. That it is lawful, and the duty of every man, being thereunto called by those that govern, to bear witness to truth.

That every inhabitant of this State. when called to make an appeal to God, as a witness to truth, shall be permitted to do it in that way which is most agreeable to the dictates of his own conscience. And, that the people of this State may for ever enjoy the right of electing their own pastors or clergy; and, at the fame time, that the State may have sufficient security, for the due discharge of the pattoral office, by those who shall be admitted to be clergymen; no person shall officiate as minister of any established church, who shall not have been chosen by a majority of the society to which he shall minister, or by persons appointed by the faid majority to chuse and procure a minister for them, nor until the minister so chosen and appointed, shall have made and subfcribed to the following declaration, over and above the aforesaid five articles, viz.

That he is determined, by God's grace, out of the Holy Scriptures, to instruct the people committed to his charge, and to teach nothing, (as required of necessity to eternal salvation) but that which he shall be persuaded may be concluded and proved from the Scriptures; that he will use both public and private admonitions, as well to the fick as to the whole, within his cure, as need shall require and occasion shall be given; and that he will be diligent in prayers, and in reading of the Holy Scriptures, and in fuch studies as help to the knowledge of the same; that he will be diligent to frame and fashion his own self, and his family, according to the doctrine of Christ, and to make both himself and them, as much as in him lieth, wholesome examples and patterns to the flock of Christ; that he will maintain and set forwards, as much as he can, quiet-

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ness, peace, and love, among all people; and especially among those that are or shall be committed to his charge.

No person shall disturb or molest any religious affembly, nor shall use any reproachful, reviling, or abusive language, against any church; that being the certain way of disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animofities, to the hatred of the professors, and that profession which otherwise they might be brought to assent to. No perion whatfoever shall speak any thing, in their religious affembly, irreverently, or feditiously, of the government of this State. No perfon shall, by law, be obliged to pay towards the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support: but. churches, chapels, parsonages, glebes, and all other property, now belonging to any societies of the Church of England, or any other religious focieties, shall remain, and be secured, to them for ever. The poor shall be supported, and elections managed, in the accustomed manner, until laws shall be provided, to adjust those matters in the most equitable way.

XXXIX. That the whole State shall, as soon as proper laws can be passed for those purposes, be divided inte districts and counties, and county courts established.

XL. That the penal laws, as heretofore used, shall be reformed, and punishments made, in some cases, less sanguinary, and, in general, more proportionate to the crime.

XLI. That no freeman of this State be taken, or imprisoned, or differzed of his freehold, liberties or privileges, or out-lawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the lend.

Pр XLII. That XLII. That the military be subordinate to the civil power of the State.

XLIII. That the liberty of the

press be inviolably preserved.

XLIV. That no part of this Conflitution shall be altered without a notice of ninety days being previously given; nor shall any part of the same be changed without the consent of a majority of the members of the Senate and House of Representatives.

XLV. That the Senate and House of Representatives shall not proceed to the election of a Governor or Lieutenant-governor, until there be a majority of both Houses present.

SOUTH CAROLINA.

An Ast to oblige every free Male Inhabitant of this State, above a certain Age, to give Assurance of Fidelity and Allegiance to the same, and for other Purposes therein mentioned.

WHEREAS the established and fundamental principle of all societies, where mankind unite for common fafety and happiness, has rendered the bleffing of protection and the duty of allegiance necessarily reciprocal and inseparable, whereby those who will not conform to the latter, forfeit every right or claim to the former. Be it therefore enacted, by his Excellency RAWLING LOWNDES, President and Commander in Chief in and over the State of South Carolina, and by the Honourable the Legislative Council and General Assembly of the said State, and by the authority of the fame, that every free male person within this State, above the age of fixteen years, shall take and subscribe the following oath or affirmation, before the person or persons, and within the time hereinafter appointed and limited:

That is to fay,

"I A. B. do swear (or affirm, as the case may be). That I will bear

true faith and allegiance to the State of South Carolina, and will faithfully support, maintain, and defend the same against

his successors, abettors, and all other enemies and opposers whatsoever; and will, without delay, discover to the executive authority, or some one Justice of the Peace in this State, all plots and conspiracies that shall come to my knowledge against the said State, or any other of the United States of America.

So help me Goo."

And be it further enacted, by the authority aforesaid, That the Colonel of the regiment of militia, and Captain of the company of artillery in Charlestown, within one month, and the Colonels or Commanding Officers of the feveral other regiments or companies of militia throughout this State, within three months after the passing of this Act, shall cause their respective regiments and companies to be affembled at some convenient place; and the faid Colonels or Commanding Officers, at the head of their faid regiments respectively, shall take the oath above prescribed, and then administer the same to all the other Commissioned Officers of the faid regiments; and the Captains and other Commissioned Officers of companies, after taking the oath, shall tender and administer the same to the Non-commissioned Officers and privates of their respective companies: And if any Commissioned Officer, Non-commissioned Officer, or private, shall refuse to take the said oath, every fuch person so resusing shall be immediately difarmed. Provided air ways, That every person so disarmed shall nevertheless be obliged to attend all musters, but be exempted from fines for appearing thereat without arms, ammunition, or accourrements.

And be it further enacted, by the authority aforefaid. That if any present on or perions, by reason of fickness, or other unavoidable accidents, shall

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not repair to the place fixed upon by his or their Colonel or Commanding Officer for the affembling of the regiment or company at the time appointed, and take the faid oath, that then every such person or persons shall, within one month thereafter, go before the Captain of the company to which he or they belong, and take the oath aforesaid; which being done, the said Captain shall certify the same in manner as is hereinaster directed; and in default thereof, such person or persons shall be disarmed, by orders of the Captain aforesaid.

And be it further enacted, by the authority aforesaid, That, from and immediately after the passing of this Act, the members of the present Legislative Council and General Asfembly, in their respective houses, and all persons holding any office or place of trust or emolument in this State; also all ferrymen, pilots, and all other persons not subject to militia. duty, except in times of alarm, shall, within one month thereafter, before any one Justice of the Peace, take and subscribe the oath above mentioned: Nor shall any person or perions hereafter be capable of being chosen or appointed to any office, place of trust, or emolument in this State, or be qualified to vote at any public election whatever, or to ferve as a Juror in any Court within this State, or be at liberty to commence any action or fuit either in law or equity, or to hold or possess any lands, tenements, or hereditaments in this State, by gift, devise or purchase, unless such person or persons, previous to his or their appointment to such office, place of trust, or emolument, voting at fuch election, ferving on any Jury, commencing any action or fuit, or purchasing or possessing any lands, tenements or hereditaments, shall have taken the oath above prescribed, before some Justice of the Peace, or other person berein before appointed to administer the fame; any law, usage, or eustom to the contrary thereof in any wife notwithstanding.

And be it further enacted, by the authority aforesaid, That all and every person and persons coming hereafter, into this State, either by land or water, shall, and he or they is, and are, directed and required immediately to go to the nearest Justice of the Peace in the parish or district into which he or they shall so arrive or come, and take the oath before prescribed; whereupon he or they shall obtain a certificate or certificates thereof from the faid Justice: And if any person or persons shall neglect to comply with the directions of this Act, any one Justice of the Peace, within his proper parish or district, shall, and he is hereby authorifed, enjoined, and required, immediately to cause such person or persons to be apprehended and brought before him, and to tender him or them the oath above-mentioned; and on refusal to take it, he or they shall be committed, by the faid Justice, to the nearest gaol, where fuch person or persons is, or are, there to remain, without bail or mainprize, until he or they shall give bond, with good security, in the fum of 10,000l. currency immediately to depart the State, never to return, unless permitted by the legislative authority of the State; which bond shall be made payable to the Prefident or Commander in Chief for the time being, for the use of the State. Provided always, That if bond and fecurity be not given within thirty days after commitment, as aforefaid, that then the President or Commander in Chief shall cause such person or persons to be fent off in the first vessel or vessels that shall thereafter sail for Europe: And further provided, That nothing herein contained shall extend, or be construed to extend, to any prisoners of war, officers in the army and navy Ppz

of the United States, or of this State, or masters or mariners actually belonging to any ship or other vessel trading to the State, and not citizens of the same, or merchants trading here from ports under the dominion of foreign powers in amity with the United States.

And be it further enacted, by the authority aforefaid, That all perfons authorized by this Act, to tender and administer the oath therein contained, shall, immediately after administering such oath, give to the person or perfons who shall take the same, the following certificate (that is to say)

" I do hereby certify, That

hath taken and subscribed the oath (or affirmation, as the case may be) of allegiance and sidelity, as directed by an Act of the General Assembly of the State of South Carolina, eatitled, "An Act to oblige every free male inhabitant of this State, above a certain age, to give assurance of sidelity and allegiance to the same, and for other purposes."

And be it further enacted, by the authority aforesaid, That every person who is authorized by this Act to administer the oath above prescribed. shall keep a fair register of the names. of all and every person or persons, to whom the faid oath shall be adminiftered, and also of such as shall refuse to take the same, and transmit authentic copies of fuch registers, under their hands and feals respectively, on every 4th day of July yearly, to the Sheriff of the district wherein such person or persons reside, who have taken or refused to take the said oath.

And be it further enacted, by the authority aforesaid, That all and every person and persons, neglecting or refusing to take the said oath; within the same prescribed by this Act, and remaining in the State more than faxty days thereafter, shall be thenceforth incapable of exercising any profession, trade, art or mystery

in this State; or buying or felling, or acquiring or conveying, any property whatever; and all property so bought or fold, acquired or conveyed, shall be forfeited and disposed of, one half to the informer, and the other half to this State: And the person or persons so buying, selling, acquiring or conveying aforesaid, shall likewise forfeit the sum of one hundred pounds current money to the State, for every act and thing that he or they shall do, which he or they is or are hereby disqualified from doing.

And be it further enacted, by the authority aforesaid, That if any person or persons required by this Act to take the oath hereby prescribed, shall refuse or neglect to take the fame, and shall depart this State within fixty days thereafter, all and every such perion and persons may appoint an attorney or attornies, to be approved of by the Commander in Chief for the time being; which attorney or attornies shall fell or dispose of all and fingular the estate, real or personal, of such person or persons by whom he or they shall be appointed; and all fuch fum and fums of money as shall arise from the faid fale, as well as all and every other fum and fums of money which shall be due and owing to the said person or persons, shall, after satis-fying all just and equitable claims and demands which shall be brought against such person or persons, be remitted by the faid attorney or attornies, to his or their principal, within twelve months after the person or persons who shall so refuse or neglect to take the faid oath shall have withdrawn him or themselves from this State: And if the faid person or persons so refusing and neglecting, and withdrawing, shall not appoint an attorney or attornies, in such case, the Commander in Chief for the time being shall, with the advice of the Privy Council, appoint

point proper persons to take charge of the estate of the said person or persons, so leaving this State; and the persons so to be appointed shall, within three months from the day of their appointment, sell and dispose of fuch estate as shall be committed to them by virtue of this Act, and pay the money which shall arise from the faid fale, into the public treasury of this State: And in case the attorney or attornies to be appointed by the person or persons leaving this State, shall not remit to him or them the money to arise from the said sales, as well as all other money that shall be due or owing to the said person or persons, within twelve months after fuch person or persons shall have withdrawn from this State, then the said attorney or attornies shall, within one month after the expiration of the time limited for remitting the faid money, pay the same into the public treasury of this State.

And be it further enacted, by the authority aforesaid, That the atterney or attornies of all fuch person or persons as have been sent off this State, in consequence of having refused to take the oath prescribed by an ordinance, entitled, "An Ordinance for establishing an Oath of Abjuration and Allegiance," passed the 13th day of February, 1777, shall, within eighteen months after the passing of this Act, sell and dispose of all and singular the estate, real and perfonal, of fuch perfon or persons to whom they were appointed attorney or attornies, and to remit to him or them, within twelve months thereafter, all such sum or sums of money as shall arise from the sales thereof, after fatisfying all just and equitable claims or demands which shall be brought against such person or persons, and all other sums of money which shall be due or owing to fuch person or persons: And if the faid attorney or attornies shall neglect or refuse to do then, and in that case,

the Commander in Chief for the time being, shall, with the advice of the Privy Council, appoint some person or persons in the place of the attorney or attornes so neglecting or resulting to act or remit: which person or persons so to be appointed, shall, within three months after his or their appointment, sell or dispose of the estate or estates so to be committed to his or their charge, and pay the money to arise from such sale or sales into the public treasury of this State.

And be it further enacted, by the authority aforesaid, That if any person refusing or neglecting to take the oath prescribed by this Act, and withdrawing from this State, shall return to the same, then he shall be adjudged guilty of treason against this State, and shall, upon conviction thereof, suffer death as a traitor.

And be it further enacted, by the authority aforesaid, That the first clause in an Ordinance, entitled, "An Ordinance for establishing an Oath of Abjuration and Allegiance," passed the 13th day of February, 1777, be, and the same is hereby repealed, and made void to all intents and purposes whatsoever.

ABSTRACT of an ACT passed March 28, 1778, entitled, "An Ast far paying into the Treasury of this State, the Tax therein mentioned."

IT is enacted, That five pounds per head be paid on all negroes and other flaves.

Five pounds per 100 acres, on all lands throughout the State; town lots and lands now belonging to any free Indians in America, in amity with this State, excepted.

Twenty shillings for every tool. in the value of every town-lot, wharf and building, and other lands within the limits of any town, village or burgh in this State; the bounds of Charlestown to extend from Ashley river to Cooper river, on a direct line with with the north fide of Boundary-fireet.

Twenty shillings per 1001. on all monies at interest.

Five pounds upon each wheel of every four wheeled carriage, wag-

gons, excepted.

Five pounds per head on all free negroes, Mulattoes and Mestizoes, from 10 to 60 years of age, who pay no other part of the taxes imposed by this Act.

Twenty shillings per cent. on every

person's stock in trade.

Twenty shillings per cent. on the profits of all faculties and professions, (the clergy excepted) factorage, employments, and handicrast trades.

Nothing herein contained to extend to oblige such settlers as have not resided ten years in this State, to pay any part of the tax for the lands granted to them by bounty; they to make oath of the same before the Collector of the tax in their respective

parish or district.

All persons absent from the United States, holding estates in this State, to be double taxed; except minors, and those not yet twenty-two years of age, who shall be allowed one year, after coming of age, to return to this State—those who are absent on the public service—these who are absent with leave, for any time not exceeding one year—and those who may have been captured or detained by the enemy.

No person, whether absentee or not, who have lent, or shall lend money to this State, to pay more than ten shillings for every 1001, so

lent.

No lands, flaves, or monies at interest, belonging to any church, or charitable institution, to pay any tax.

The inhabitants of Charlestown to pay their taxes on or before the first

Tuesday in July.

The Inquirers and Collectors for town and country, to close their accompts, and pay the monies received by them into the hands of the Commissioners of the Treasury, on or before the last Tuesday in August; the country Collectors retaining two pounds, and the town Collectors one pound per cent. on all monies so received by them.

Persons neglecting to make returns on or before the last Tuesday in May, in their respective parishes or districts, to be double taxed; excepting officers and soldiers in the Continental or State service, who may give in returns in the parish or district they may be in on duty; also any ofsicer or soldier absent from the State

on duty.

The Charlestown Inquirers, or any three or more of them, to go once to the feveral houses in town, of which previous notice must be given in the Gazette, on or before the last Tuefday in April, and to enquire into and take account of the real estates, situation of lots of land, slaves, monus at interest, &c. of the inhabitants, which they are possessed in their own right, or in the right of others.

Four of the Charlestown Assessors to be a quorum, to meet the last Tuesday in April, and to have the calculation of the value of the estates in faid town finished, on or before the third Tuesday in June next, a duplicate thereof to be posted at the Exchange.

The Commissioners of the treasury may receive payments in advance of taxes, and give receipts for the same, which shall be discounted by the Col-

lectors.

Admiralty-Office, July 25, 1778.
Extract of a letter from Lord Vifcount Howe, Commander in Chief
of his Majesty's ships in North
America, to Mr. Stephens, dated on
board the Eagle in the Delaware,
the 19th of June, 1778, received
the 21d instant.

I am informed by Captain Griffith, that a detachment of the garrifon fon of Rhode Island, under command of Lieutenant-colonel Campbell, of the 22d regiment, was embarked the 25th of last month, in the flat boats conducted by Captain Clayton; and, by a well-concerted operation, destroyed 125 boats, collected by the rebels in Hickamanet river, together with a galley under repair, meant to be employed, in conjunction with the boats, for a purposed invasion of Rhode Island. A large quantity of pitch, tar, plank, and other materials for ship-building, was burnt with them.

Another division of boats from the thips of war, supported by the Pigot Galley, (lately armed, and com-manded by Lieutenant Stanhope of the Nonsuch) under the direction of Captain Reeve, were at the fame. time ordered against, and succeeded to suprize and take a galley of force, which the rebels had placed in Warren Creek. On the 30th of the same month, a fecond detachment of the troops were fent in the boats of the fquadron conducted by Lioutenant Christian, Commander of the King's Fisher, to destroy the saw mills on a creek near Taunton river, then in use for preparing materials to build boats and other fuitable craft for the purpose as before-mentioned. This fervice was performed with equal good effect.

The behaviour of Captain Reeve, and of Lieutenants Kempthorne, Stanhope and Christian, is greatly commended by Captain Grissith. I am at the same time to observe, that the good disposition made for these undertakings, as well as the vigorous execution, appears to have contributed much to their success.

[Gazette.

Extract of a letter from an Officer in Gen. Clinton's army, 10 his friend in Hampshire, dated Billingsport, in the Delaware, June 20, 1778. "My letter by the last packet will inform you of the transactions of this place down to the 15th inft. Our whole fleet is still in the Delaware, and we expect the final evacuation of Philadelphia will take place This letter will go by the this day. Porcupine man of war, which bears the government dispatches. I visited the Commissioners twice or thrice on board the Trident, after they had forwarded their message to Congress, an answer to which is not yet re-I faw Governor Johnstone in Philadelphia a few days before I left it, and had some conversation Through the means of with him. the Commander in Chief and Mr. Galloway, he fent feveral private introductory letters of himself to some American gentlemen in power, one to Mr. Morris, a leading member of the Congress, from a Quaker house in the city of London, and also three others to General Washington, Mr. Johnson, the Governor of Maryland, and to a Mr. Carmichael, late Secretary to the Commissioners at Paris, these last were given to him by a Maryland gentleman, who lives at B---, and visited the Commissioners on board the Trident, before she left Spithead. Thefe letters were laid before General Clinton, and he appointed Mr. Brown, with a flag of truce, to carry them. I understand they were merely introductory to Governor Johnstone, and conveyed the hopes and wishes of their writers. that fuch introduction might lead to personal conversation, and tend to produce an accommodation on honourable terms to both countries. Washington's answer was received the next day, and is not looked upon by us as a favourable omen to peace. I herewith annex you a copy of it, and refer you to the government accounts, by the Porcupine, for further particulars. The Commissioners are to go with the fleet to New-York, and there wait for the Congress anfwer. I am, &c.

W. M." Camp Camp at Valley Forge, June 18, 1778. " I take the earliest opportunity to acknowledge the receipt of your obliging letter by Mr. Brown, which covered the introductory one of yourfelf to me. I have also received and forwarded the other letters to the different gentlemen they are directed to. I am thankful to you, Sir, for your very indulging opinion of me, and much obliged to my friend for his intention to bring us acquainted. am forry that pleasure must be denied me until the termination of your intended negotiation with Congress, for, situated as I am, were it ever so much my wish to see you, my occupations, and duty to the cause I am engaged in, are effential barriers for the prefent.

"You will find, Sir, when you become more acquainted with this country, that the voice of the Congress is the general voice of the people, and that they are deservedly held up as the guardians of the United States. I shall always be happy to render you any fervices, and for the present I have the honour

to be, Sir,

Your very obedient fervant, G. WASHINGTON." To his Excellency Geo. Johnfone, Efq; Philadelphia.

ANECDOTE.] When the Trident was in the Delaware, Governor Johnstone reasonably expected, that the intended operations of the army would be communicated to the Commissioners. But the intended evacuation of Philadelphia was not known to Governor Johnstone. It came out, that Mr. Eden carried fecret orders for the army to evacuate that city, dated exactly three weeks before the Commissioners sailed from England. Governor Johnstone charged Mr. Eden with duplicity. Mr. Eden declared, upon his bonour, he knew nothing of the contents of the packet he had delivered. The orders being

dated fo long before they failed, and Mr. Eden being a confidential man. and an Under Secretary of State, Governor Johnstone thought his ignorance of them almost impossible: and infifted upon his figning a paper. stating his entire ignorance of those orders. These extraordinary orders were to evacuate Philadelphia in five days after the arrival of the Trident. Governor Johnstone was highly offended at this underband game.

In Congress, June 11, 1778.

A letter of the 9th from General Washington, inclosing a letter of the 9th to him from General Sir Henry Clinton, informing that the Earl of Carlisle, William Eden and Governor Johnstone, three of the Commissioners for restoring peace between Great Britain and America, are arrived at Philadelphia, and requesting a passport for Doctor Ferguson, their Secretary, with a letter from them to Congress, and a copy of General Washington's answer, declining to grant a passport till the pleasure of Congress is known, was read.

Ordered, That the same be referred

to a Committee of three.

June 12. The Committee to whom was referred the letter of the oth from General Washington, with the papers inclosed, brought in a report, which was taken into confideration, and, after debate,

Resolved, That the farther consi-

deration thereof be postponed.

Saturday, June 13. Congress refumed the confideration of the report of the Committee on the letter of the oth from General Washington, with

the papers enclosed.

During the debate an express arrived with a letter of the 11th from General Washington, which read, and a packet, in which was inclosed, together with other papers, a letter figned, " Carlifle, William Eden, George Johnstone," dated " Philadelphia, June 9, 1778," and directed directed, "To his Excellency Henry Laurens, the President, and other the members of Congress." Which letter was read to the words "insidious interposition of a power, which has, from the first settlement of these Colonies, been actuated with enmity to us both. And notwithstanding the pretended date or present form of the French offers," inclusive; whereupon the reading was interrupted, and a motion was made not to proceed farther, because of the offensive language against his Most Christian Majesty.

Debates arising thereon.

Ordered, That the confideration of the motion be postponed. And Congress adjourned to 10 o'clock on

Monday.

June 15. P. M. Congress refumed the consideration of the motion respecting the letter from the Commissioners of the King of Great Britain: after dehate, adjourned to 10 o'clock to-morrow.

June 16. Congress resumed the consideration of the motion respecting the letter from the Commissioners of the King of Great Britain, which being postponed,

A motion was made, "That the letter from the Commissioners of the King of Great Britain lie on the table." Passed in the negative.

· On motion, resolved, That the letter, and the papers accompanying it, be read. Whereupon the letter of the 9th, and one dated June 1778, both figned " Carlisle, William Eden, George Johnstone, and a paper endorsed "Copy of the Commission for restoring Peace, &c. the Earl of Carlifle, Lord Viscount Howe, Sir William Howe, or, in his absence, Sir Henry Clinton, William Eden and George Johnstone," were read, and also three acts of the British Parliament, one entituled, "An Act for repealing an Act passed in the fourteenth Year of his present Majesty's reign, entituled, An Act for the better regulating the Govern-Vol. VI

ment of the Province of the Massachusetts-Bay in New-England." The other two the same as the bills already published.—The letters are as follow:

To his Excellency HERRY LAURENS, the Prefident, and other the Members of Congress. Gentlemen.

With an earnest desire to stop the further effusion of blood and the calamities of war, we communicate to you, with the least possible delay after our arrival in this city, a copy of the Commission with which his Majesty is pleased to honour us, as also the Acts of Parliament on which it is And, at the same time that we assure you of our most earnest defire to re-ostablish, on the basis of equal freedom and mutual fafety, the tranquility of this once happy empire, you will observe, that we are vested with powers equal to the purpose, and such as are even unprecedented in the annals of our history.

In the present state of our affairs, though fraught with subjects of mutual regret, all parties may draw some degree of consolation, and even auspicious hope, from the recollection that cordial reconciliation and affection have, in our own and others empires, succeeded to contentions and temporary divisions not less violent than those we now experience.

We wish not to recall subjects which are now no longer in controversy, and will reserve to a proper time of discussion, both the hopes of mutual benefit, and the consideration of evils, that may naturally contribute to determine your resolutions, as well as our own, on this important occasion.

The Acts of Parliament which we transmit to you having passed with fingular unanimity, will sufficiently evince the disposition of Great Britain, and shew that the terms of agreement in contemplation with his Q q Majesty

Majesty and with Parliament, are such as come up to every wish that North-America, either in the hour of temperate deliberation or of the utmost apprehension of danger to liberty, has expressed.

More effectually to demonstrate our good intentions, we think proper to declare, even in this our first communication, that we are disposed to concur in every satisfactory and just arrangement towards the following,

among other purposes:

"To consent to a cessation of hos-

tilities both by sea and land.

To restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization through the several parts of this empire.

"To extend every freedom to trade that our respective interests can

require.

To agree that no military forces shall be kept up in the different States of North-America, without the confent of the General Congress, or particular affemblies.

"To concur in measures calculated to discharge the debts of America, and to raise the credit and value

of the paper circulation.

"To perpetuate our Union, by a reciprocal deputation of an agent or agents, from the different States, who shall have the privilege of a seat and voice in the Parliament of Great Britain; or, if sent from Britain, in that case to have a seat and voice in the Assemblies of the different States to which they may be deputed respectively, in order to attend to the several interests of those by whom they are deputed.

of the respective legislatures in each particular State, to settle its revenue, its civil and military establishment, and to exercise a persect freedom of legislation and internal government, so that the British States throughout North-America, acting with us in

peace and war, under one common Sovereign, may have the irrevocable enjoyment of every privilege, that is short of a total separation of interest, or consistent with that union of force, on which the safety of our common religion and liberty depends."

In our anxiety for preserving those facred and effential interests, we cannot help taking notice of the infidious interpolition of a power, which has, from the first settlement of these Colonies been actuated with enmity to us both. And notwithstanding the pretended date, or prefent form of the French offers to North-America, yet it is notorious, that these were made in confequence of the plans of accommodation previously concerted in Great Britain, and with a view to prevent our reconciliation, and to prolong this destructive war.

But we trust that the inhabitants of North America, connected with us by the nearest ties of consanguinity, speaking the same language, interested in the preservation of similar institutions, remembering the former happy intercourse of good offices, and forgetting recent animosties, will shrink from the thought of becoming an accession of force to our late mutual enemy, and will preser a firm, a free, and perpetual coalition with the parent State, to an infincere and un-

natural foreign alliance.

This dispatch will be delivered to you by Dr. Ferguson, the Secretary to his Majesty's Commission; and for further explanation and discussion of every subject of difference, we defire to meet with you, either collectively, or by deputation, at New-York, Philadelphia, York-Town, or fuch other place as you may propose. We think it right, however, to apprize you, that his Majesty's instructions, as well as our own defire, to remove from the immediate feat of war, in the active operations of which we cannot take any part, may induce us speedily to remove to New-

York; but the Commander in Chief GEORGE the Third, by the Grace of his Majesty's land forces, who is joined with us in this Commission. will, if it should become eligible, either concur with us in a faspension of hostilities, or will furnish all necellary passports and safe conduct, to facilitate our meeting, and we shall of course expect the same of you.

If, after the time that may be necessary to consider this communication, and transmit your answer, the horrors and devastations of war should continue, we call God and the worldto witness, that the evils which must follow are not to be imputed to Great Britain; and we cannot, without the most real forrow, anticipate the prospect of calamities, which we feel the most ardent desire to prevent.

We are, with perfect respect, Gentlemen, Your most obedient, and most humble servants, CARLISLE, WILLIAM EDEN. George Johnstone.

Philadelphia, 9th June, 1778. To his Excellency HENRY LAURENS, President, and other the Members of Congress.

Gentlemen,

The dispatch inclosed with this, was carried this morning to the nearest post of General Washington's army, by Dr. Ferguson, Secretary to his Majesty's Commission for restoring peace, &c. but he, not finding a pastport, has returned to this place. In order to avoid every unnecessary delay, we now again fend it by the ordinary conveyance of your military posts. As soon as the passport arrives, Dr. Ferguson shall wait upon you, according to our first arrangement.

We are, with perfect respect, Gentlemen,

Your most obedient, and most humble servants, CARLISLE, WILLIAM EDEN,

George Johnstone. Philadelphia, June, 1778,

of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

TO our right trusty and right wellbelowed Confin and Counsellor Frederick Earl of Carlifle, Knight of the most ancient Order of the Thistle; our right trusty and well-belowed Coufin and Counsellor Richard Lord Viscount Howe, of our Kingdom of Ireland; our trusty and wellbelowed Sir William Howe, Knight of the most Honourable Order of the Bath, Lieutenant-general of our Forces, General and Commander in Chief of all and fingular our Forces employed, or to be employed, within our Colonies in North-America, lying upon the Atlantic Ocean, from Nova-Scotia on the North to West Florida on the South, both inclusive; William Eden, Esq. one of our Commissioners for Trade and Plantations; and George Johnstone, Est. Captain in our Royal Navy, GREETING:

WHEREAS, in and by our Commission and letters patent under our Great Seal of Great-Britain, bearing date on or about the 6th day of May, in the 16th year of our reign, we did, out of our earnest defire to deliver all our subjects and every part of the dominions belonging to our Crown from the calamities of war, and to restore theme to our protection and peace, nominate and appoint our right trufty and wellbeloved Cousin and Counfellor Richard Lord Viscount Howe, of our kingdom of Ireland, and our trufty and well-beloved William Howe, Efg. now Sir William Howe, Knight of the Bath, Major-general of our forces, and General of our forces in North America only, and each of them, jointly and severally, to be our Commissioner and Commissioners in that behalf, to so perform and execute all the powers and authorities in and by the faid commilion Q.q.2

mission and letters patent entrusted and committed to them, and each of them, according to the tenor of fuch letters patent, and of such further instructions as they should from time to time receive under our fignet or fign manual, to have, hold, execute and enjoy the faid office and place, offices and places, of our Commissioner and Commissioners. therein mentioned, with all rights, niembers and appurtenances thereunto belonging, together with all and fingular the powers and authorities thereby granted unto them, the faid Lord Viscount Howe and General William Howe, and each of them. for and during our will and pleafure, and no longer, in such manner and form, as in and by our faid recited Commission and letters patent, re lation being thereunto had, may, among divers other things therein contained, more fully and at large appear. And whereas, for the quieting and extinguishing of divers jealousies and apprehensions of danger to their liberties and rights, which have alarmed many of our subjects in the Colonies, provinces and plantations of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvania, with the Three Lower Counties on Delaware, Maryland, Virginia, North - Carolina, South-Carolina, and Georgia, and for a fuller manifestation of our just and gracious purpofes, and those of our parliament, to maintain and fecure all our subjects in the clear and perfect enjoyment of their liberties and rights, it is, in and by a certain Act made and passed in this present sesfions of parliament, intituled, "An A& to enable his Majesty to appoint Commissioners, with sufficient powers, to treate confult and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations and provinces of North America," among other things

enacted, that it shall and may be lawful for his Majesty, from time to time, by letters patent under the Great Seal of Great Britain, to authorife and empower five able and, fufficient persons, or any three of them, to do and perform such acts and things, and to use and execute fuch authorities and powers as in the faid Act are for that purpose mentioned, provided and created. whereas we are earnestly desirous to carry into full and perfect execution the several just and gracious purposes abovementioned; Now know ye. That we have revoked and determined, and by these presents do revoke and determine our faid recited commission and letters patent, and all and every power, authority, clause, article and thing therein contained. And further know ye, That we, reposing especial trust and confidence in your wisdom, loyalty, diligence and circumspection in the management of the affairs to be hereby committed to your charge, have no-minated and appointed, conftituted and affigned, and by these presents we do nominate, appoint, constitute and affign you, the faid Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, or any three of you, to be our Commissioners in that behalf, to use and exercise all and every the powers and authorities hereby entrusted and committed to you, the faid Frederick Earl of Carlisse, Richard Viscount Howe, Sir. Howe, William Eden, George Johnstone, or any three of you, and to fo perform and execute all other matters and things hereby enjoined and committed to your care, during our will and pleasure, and no longer, according to the tenor of thefe our letters patent, and of fuch further instructions as you shall from time to time receive under our fignet or fign manual. And it is our royal will and pleasure, and we do hereby authorife,

authorise, empower and require you. the faid Frederick Earl of Carlifle. Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, to treat, confult and agree with fuch body or bodies politic and corporate, or with fuch assembly or assemblies of men, or with such person or persons as you, the faid Frederick Earl of Carlifle, Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, shall think meet and sufficient for that purpose, of and concerning any grievances, or complaints of grievances, existing, or supposed to exist, in the government of any of the colonies, provinces or plantations above-mentioned respectively, or in the laws and statues of this realm, respecting them or any of them, or of and concerning any aids or contributions to be furnished by any of the said colonies, provinces, or plantations respectively, for the common defence of this realm, and the dominions thereunto belonging; and of and concerning any other regulations, provisions, matters and things, necessary or convenient for the honour of us and our Parliament, and for the common good of all our fubjects. And it is our further will and pleafure, That every regulation, provifion, matter, or thing, which shall have been agreed upon between you, the faid Frederick Earl of Carlifle, Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, and fuch persons or bodies politic as aforefaid, whom you or any three of you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by the hands and feals of you or any three of you on one fide, and by fuch feals and other fignature on the other as the occasion may require, and as may be fuitable to the character and au-

thority of the body politic or other. person so agreeing; and such instruments fo authenticated shall be by you or any three of you transmitted to one of our Principal Secretaries of State, in order to be laid before our Parliament, for the further and more perfect ratification thereof; and until fuch ratification, no fuch regulation, provision, matter or thing, shall have any other force or effect, or be carried further into execution than is hereafter mentioned. And we do hereby further authorise and empower you, the faid Frederick Earl of Carlifle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, or any three of you, from time to time, as you or any three of you shall judge convenient, to order and proclaim a cessation of hostilities on the part of our forces by fea or land, for fuch time, and under fuch conditions, restrictions or other qualifications. as in your discretions shall be thought requisite, and such order and proclamation to revoke and annul in the same manner and form. And it is our further will and pleasure, and we do hereby require and command all our officers and ministers, civil and military, and all other our loving fubjects whatfoever, to observe and obey all fuch proclamations respectively. And we do hereby, in further pursuance of the said Act of Parliament, and of the provisions therein contained, authorise and empower you, the faid Frederick Earl of Carlisse, Richard Viscount Howe. Sir William Howe, William Eden, and George Johnstone, or any three of you, by proclamation under your respective hands and seals, from time to time, as you shall see convenient. to suspend the operation and effect of a certain Act of Parliament, made and passed in the 16th year of our reign, for prohibiting all trade and intercourse with certain Colonies and Plantations therein named, and for the

the other purposes therein also mentioned, or any of the provisions or restrictions therein contained, therein to specify at what time and places respectively, and with what exceptions and restrictions, and under what passes and clearances, in lieu of those heretofore directed by any Act or Acts of Parliament for regulating the trade of the colonies and plantations, the faid suspension shall take effect, and the faid suspension and proclamation in the fame manner and form to annul and revoke. And we do hereby further authorise and empower you, the faid Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden and George Johnstone, or any three of you, from time to time, as you shall judge convenient, to suspend in any places, and for any time during the continuance of the faid first resited Act, the operation and effect of any Act or Acts of Parliament which have passed since the 10th day of February, 1763, and which relate to any of our colonies, provinces, or plantations above-mentioned in North America, so far as the same relate to them, or any of them, or the operation and effect of any clause, or any provision or other matter in such Acts contained, so far as such clauses, prowisions or matters, relate to any of the faid colonies, provinces or plan-And we do hereby further tations. anthorize and impower you, the said Frederick Earl of Carlifle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnflone, or any three of you, to grant a pardon or pardons to any number or description of persons within the faid colonies, provinces or planta-And we do hereby further tions. authorize and empower you, the faid Frederick Earl of Carlifle, Richard Viscount Howe, Sir William Howe, William Eden, and George John-Rone, or any three of you, in any of our colonies, provinces and planta-

tions aforefaid respectively, wherein we have usually heretofore nominated and appointed a Governor, to nominate and appoint, from time to time, by any inftrument under your hands and feals, or the hands and feals of any three of you, a proper person, to be the Governor and Commander in Chief in and for fuch colony, province or plantation respec-tively, to have, hold and exercise the faid office of Governor and Commander in Chief in and for such colony, province or plantation respectively, with all such powers and authorities any Governor of fuch province, heretofore appointed by us, might or could have exercised, in as full and ample 'manner and form as if fuch Governor and Commander in Chief had been nominated and appointed by our letters patent or commission; and for that purpose, if need be, to revoke, annul and make void any commission or letters patent heretofore granted, for appointing any fuch Governor and Commander in Chief. Whereas, by certain letters patent under our great feal, bearing date on the 29th day of April, in the 16th year of our reign, we have constituted and appointed you, the faid Sir William Howe, to be General and Commander in Chief of all and fingular our forces employed, or to be employ ed, within our colonies in North America, lying upon the Atlantic ocean, from Nova-Scotia on the north to West-Florida on the south, both inclusive, to have, hold, exercise. and enjoy the faid office during our will and pleasure; and in case you, the faid Sir William Howe, should, by death or any other manner, be disabled from exercising the said command, it was our will and pleasure, therein expressed, that the same, with all authorities, rights and privileges, contained in that our faid Commisfion, should devolve on such officer, bearing our commission," as should be

next in rank to you, the faid Sir And whereas our William Howe. trufty and well-beloved Sir Henry Clinton, Knight of the most honourable Order of the Bath, Lieutenantgeneral of our forces, and General of our forces in our army in America only, now actually bears our commisfion, and is next in rank to you, the faid Sir William Howe: Know it is our further will and pleasure, and we do hereby ordain and appoint, that whenever the faid command in the faid letters patent mentioned shall, in pursuance thereof, devolve upon the faid Sir Henry Clinton, all and every the powers and authorities hereby entrusted and committed to you the faid Sir William Howe, shall forthwith cease and determine, and the faid powers and authorities, and every of them, shall from thenceforth be entrusted and committed, and are hereby entrusted and committed, to the faid Sir Henry Clinton, to use and exercise the same powers and authorities, and to perform and execute all other the matters and things as aforefaid, in as full and ample extent and form, and no other, as you, the faid Sir William Howe, are hereby authorised to use and exercise, do, perform, and execute the fame. And we do hereby require and command all the officers, civil and military, and all other our loving subjects whatsoever, to be aiding and affifting unto you, the faid Frederick Earl of Carlisse, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, in the execution of this our commission, and of the powers and authorities herein con-Provided always, and we do hereby declare and ordain, that the several offices, powers and authorities bereby granted shall cease, determine, and become utterly null and void on the 1st day of June, which shall be in the year of our Lord 1779, although we shall not otherwise in the

mean time have revoked and determined the same. In Witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the 13th day of April, in the 18th year of our reign.

By the KING bimfelf,

YORKE.
A true Copy,
ADAM FERGUSON, Secretary.

Ordered. That they be referred to a Committee of five.

Eodem Die, P. M.

The Committee to whom were referred the letters and papers from the Earl of Carlifle, &c. Commissioners, from the King of Great-Britain, reported the draught of a letter, which was read.

Resolved, That the consideration thereof be postponed till to-morrow.

June 17, 1778. Congress resumed the consideration of the draught of the letter, in answer to the letter and papers received from the Earl of Carlisle, &c. Commissioners from the King of Great-Britain, which was unanimously agreed to, and is as follows:

To their Excellencies the Right Hana the Earl of Carlisle, William Eden, Efq. George Johnstone, Efq. Commissioners from his Britannic Majesty, Philadelphia.

"I have received the letter from your Excellencies of the 9th instant, with the inclosures, and laid them before Congress. Nothing but an earnest desire to spare the essuring them to read a paper, containing expressions so disrespectful to his Most Christian Majesty, the great and good ally of these States; or to consider propositions so derogatory to the honour of an independent nation.

"The Acts of the British Parliament, the Commission from your Sovereign, and your letter, suppose the people of these States to be subjects

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of the Crown of Great-Britain, and are founded on the idea of dependence, which is utterly inadmiffible.

" I am further directed to inform your Excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which the war originated, and the favage manner in which it has been conducted. They will therefore be ready to enter upon the confideration of a treaty of peace and commerce, not inconfishent with treaties already subsisting, when the King of Great-Britain shall demon-Rrate a fincere disposition for that purpose. The only folid proof of this disposition will be, an explicit acknowledgment of the Independence of these States, or the withdrawing his fleets and armies.

I have the honour to be, your Excellencies most obedient and humble servant,

Signed, by order of the unanimous' voice of Congress,

HENRY LAURENS, President."

York-town, June 17, 1778.

Resolved unanimously, That Congress approve the conduct of General Washington in resusing a passport to Doctor Ferguson.

Published by order of Congress, CHARLES THOMSON, Sec.

To the Earl of Carlisle, Lord Vifcount Howe, Sir William
Howe, (or in his absence Sir
Henry Clinton) William
Eden, and George Johnstone.
Trusty and well-beloved servants of
your facred Master, in whom he is
well pleased.

As you are fent to America for the express purpose of treating with any body and any thing, you will pardon an address from one, who distains to flatter those whom he loves. Should you therefore deign to read this address, your chaste ears will not be offended with the language of adulation, a language you despite.

I have feen your most elegant and

most excellent letter " to his Excellency Henry Laurens, the Prefident, and other the members of Congress." As that body hath thought your propositions unworthy their particular regard, it may be some satisfaction to your curiofity, and tend to appeale the offended spirit of negociation, if one out of the many individuals on this great continent should speak to you the sentiments of America. Sentiments which your own good fense hath doubtless suggested, and which are repeated only to convince you that, notwithstanding the narrow ground of private information on which we stand in this distant region, still a knowledge of our own rights, an attention to our own interests, and a facred respect for the dignity of human nature, have given us to understand the true principles which ought, and which therefore shall, sway our conduct.

You begin with the amiable expressions of humanity, the earnest define of tranquility and peace. A better introduction to Americans could not be devised. For the sake of the latter, we once said our liberties at the seet of your Prince, and even your armies have not eradicated the former from our bosoms.

You tell us you have powers unprecedented in the annals of your history. And England, unhappy England, will remember with deep contrition, that these powers have been rendered of no avail by a conduct unprecedented in the annals of mankind. Had your Royal Master condescended to listen to the prayer of millions, he had not thus have sent you. Had moderation swayed what we were proud to call our Mother Country, "her full-blown dignity would not have broken under her."

"You tell us that "all parties may draw some degree of consolation, and even auspicious hope, from recollection." We wish this most sincerely America, even in the moment of fubjugation, would have been confoled by confcious virtue, and her hope was and is in the justice of her cause, and the justice of the Almighty. These are sources of hope and of confolation, which neither time nor chance can alter or take a position, however, that you have too much magnanimity to divert your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent you, permit me to assure you, on the facred word of a gentleman, that if you shall transport your troops to England, where before long your prince will certainly want their assure to much magnanimity to divert your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the eyes of those who sent your-felves on an occasion of such importance to America, and perhaps not very trivial in the ey

You mention, " the mutual beneats and confideration of evils, that may naturally contribute to determine our resolutions." As to the former. you know too well that we could dorive no benefit from an union with you, nor will I, by deducing the reasons to evince this, cast an infult upon your understandings. As to the latter, it were to be wished you had preferved a line of conduct equal to the delicacy of your feelings. You could not but know that men, who Succeedly love freedom, disdain the confideration of all evils necessary to attain it. Had not your own hearts beene testimony to this truth, you might have learned it from the annals of your bistery. For in those annals, instances of this kind, at least, are not unprecedented. But should those inflances be insufficient, we pray you to read the unconquered mind of America.

That the Ass of Parliament you transmitted were passed with fingular unanimity, we pretend not to doubt. You will parson me, Gentlemen, for observing, that the reasons of that unanimity are strongly marked in the report of a Committee of Congress, agreed to on the 22d of April last, and referred to in a late letter from Congress to Lord Viscount Howe and Sir Henry Clinton.

You tell us you are willing "to confent to a ceffation of hostilities, both by sea and land." It is difficult for rude Americans to determine whether you are serious in this proposition, or whether you mean to jest with their simplicity. Upon a sup-

Yor. VI.

much magnanimity to divert yourfelves on an occasion of such importance to America, and perhaps not wery trivial in the eyes of those who fent you, permit me to affure you, on the facred word of a gentleman. that if you shall transport your troops to England, where before long your Prince will certainly want their affistance, we shall never follow them thither. We are not so romantically fond of fighting, neither have we fuch regard for the city of London, as to commence a crusade for the possession of that holy land. Thus you may be certain that hostilities will cease by land. It would be doing fingular injustice to your national character, to suppose you are desirous of a like cessarion by sea. The course of the war, and the very flourishing state of your commerce, notwithstanding our weak efforts to interrupt it, clearly thew that you can exclude us from the sea. The fea your kingdom.

You offer " to restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization." Whenever your countrymen shall be taught wisdom by experience, and learn from past misfortunes to purfue their true interests in future, we shall readily admit every intercourse which is necesfary for the purpoles of commerce, and usual between different nations. To revive musual affection is utterly impossible. We freely forgive you, but it is not in nature that you should forgive us. You have injured us too We might, on this occasion, much. give you fome late inflances of fingular barbarity, committed as well by the forces of his Britannic Majesty, as by those of his generous and faithful allies, the Senecas, Onandagas and Tuscaroras. But we will not offend a courtly ear by the recital of those disgusting scenes. Besides this, it might give pain to that humanity which hath, as you observe, prompt-

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ed your overtures to dwell upon the splendid victories obtained by a licentious foldiery over unarmed men in defenceless villages, their wanton devastations, their deliberate murders, or to inspect these scenes of carnage, painted by the wild excesses of These amiable traits of favage rage. national conduct cannot but revive in our bosoms that partial affection we once felt for every thing which bore the name of Englishman. As to the common benefits of naturalization, it is a matter we conceive to be of the most sovereign indisference. A few of our wealthy citizens may hereafter visit England and Rome, to see the ruins of those august temples, in which the Goddess of Liberty was once adored. These will hardly claim naturalization in either of those places as a benefit. On the other hand, fuch of your subjects as shall be driven by the iron hand of Oppression to seek for refuge among those whom they now persecute, will certainly be admitted to the benefits of naturalization. We labour to rear an alylum for mankind, and regret that circumstances will not permit you, Gentlemen, to contribute to a defign fo very agreeab e to your several tempers and dispositions.

But further, your Excellencies fay, " we will concur to extend every freedom to trade that our respective interests can require." Unfortunately there is a little difference in these interests, which you might not have found it very eafy to reconcile, had the Congress been disposed to risque their heads by listening to terms, which I have the honour to affure you are treated with ineffable contempt by every honest Whig in America. The difference I allude to is, that it is your interest to monopolize our commerce, and it is our interest to trade with all the world. There is indeed a method of cutting this gordian knot, which perhaps no statesman is acute enough to untie. By referving to the Parliament of Great Britain, the right of determining what our respective interests require, they might extend the freedom of trade, or circumscribe it, at their pleasure, for what they might call our respective interests. But I trust it would not be to our mutual Satisfattion. Your " earnest defire to stop the farther effusion of blood, and the calamities of war," will therefore lead you, on maturer reflection, to reprobate a plan teeming with discord, and which, in the space of twenty years, would produce another wild expedition across the Atlantic, and in a few years more fome fuch commission as that " with which his Majesty hath been pleased to honour you."

We cannot but admire the generofity of foul, which prompts you " to agree that no military force shall be kept up in the different States of North-America, without the consent of the General Congress or particular Assemblies," The only grateful return we can make for this exemplary. condescension is to assure your Excellencies, and, on behalf of my countrymen, I do most solemnly promise and affure you, that no military force shall be kept up in the different States of North America, without the consent of the General Congress. and that of the Legislatures of those States. You will therefore cause the . forces of your Royal Master to be removed; for I can venture to affure you, that the Congress have not confented, and probably will not confent, that they be kept up.

You have also made the unsolicited offer of concurring "in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation." If your Excellencies mean by this to apply for offices in the department of our finance, I am to assure you (which I do with "persett respect") that it will be necessary to procure

Very ample recommendations. For as the English have not yet pursued ineasures to discharge their own debts, and raise the credit and value of their own paper circulation; but, on the contrary, are in a fair way to increase the one and absolutely defired the other, you will instantly perceive; that sinanciers from that nation would present themselves with the most aukward grace imaginable.

You propose to us a device "to perpetuate our union." It might not be amiss previously to establish this union, which may be done by your acceptance of the treaty of peace and commerce tendered to you by Congress: And such treaty, I can venture to say, would continue as long as your ministers could prevail upon themselves not to violate the

faith of hations.

You offer, to tife your own language; the inaccuracy of which, confidering the importance of the fubject, is not to be wondered at, or at least may be excused; " in short, to establish the power of the respective Legislatures in each particular State, to settle its revenue, its civil and military establishment, and to exercise a perfect freedom of legislation and internal government; fo that the British States throughout North-America acting with us, in peace and war, under one common fovereign, may have the irrevocable enjoyment of every privilege that is short of a total separation of interests, or confistent with that union of force on which the fafety of our common religion and liberty depends." Let me affure you, Gentlemen, that the power of the respective Legislatures in each particular State is already most fully established; and on the most solid foundations. It is established on the perfect freedom of legislation, and a vigorous administration of internal government. As to the settlement of the revenue, and the civil and military establishment, the subjugation of America.

these are the work of the day, for which the feveral legislatures are fully competent." I have also the pleasure to congratulate your Excellencies, that the country; for the fettlement of whose government, revenue, administration, and the like, you have exposed yourselves to the fatigues and hazards of a difagreeable voyage, and more difagreeable negotiation, hath abundant resources wherewith to to defend her liberties now, and pour forth the rich stream of revenue here-As the States of North-America mean to possess the irrevocable enjoyment of their privileges, it is absolutely necessary for them to decline all connection with a Parliament, who, even in the laws under which you act, referve in express terms the power of revoking every proposition which you may agree to. We have a due fense of the kind offer you make, to grant us a share in your Sovereign, but really, Gentlemen, we have not the least inclination to accept of it. He may fuit you extremely well; but he is not to our tafte: You are folicitous to prevent a total separation of interests, and this, after all, seems to be the gift of the business. To make you as easy as possible on this subject, I have to observe, that it may, and probably will, in some instances, be our interest to assist you, and then we certainly shall. Where this is 'not the case, your Excellencies have doubtless too much good sense as well as good-nature to require it. We cannot perceive that our liberty does in the least depend upon any union of force with you; for we find that, after you have exerted your force against us for upwards of three years, we are now upon the point of establishing our liberties in direct oppofition to it. Neither can we conceive that, after the experiment you have made, any nation in Europe will emkark in so unpromising a scheme as Rr2 not not necessary that every body should play the Quixotte. One is enough to entertain a generation at least. Your Excellencies will, I hope, excuse me, when I differ from you, as to our having a religion in common with you: the religion of America is the religion of all mankind. Any person may worship in the manner he thinks most agreeable to the Deity; and if he behaves as a good citizen, no one concerns himself as to his saith or adorations, neither have we the least solicitude to exalt any one sect or profession above another.

I am extremely forry to find in your letter some sentences, which reflect upon the character of his Most Christian Majesty. It certainly is not kind, or confishent with the principles of philanthropy you profess, to traduce a gentleman's character without affording him an opportunity of defending himself; and that too a near neighbour, and not long fince an intimate brother, who besides hath lately given you the most folid additional proofs of his pacific dispofition, and with an unparalelled fincerity, which would do honour to other Princes, declared to your Court, unasked, the nature and effect of a treaty he had just entered into with these States. Neither is it quite according to the rules of politeness to afe such terms in addressing yourselves to Congress, when you well knew that he was their good and faithful ally. It is indeed true, as you justly observe, that he hath at times been at enmity with his Britannic Majesty, by which we fuffered some inconveniencies: but these flowed rather from our connection with you than any ill-will towards us: at the fame time it is a folemn truth, worthy of your ferious attention, that you did not commence the present war, a war in which we have fuffered infinitely more than by any former contest, a fierce, a bloody, I am forry to add, an unprovoked and cruel war. That

you did not commence this, I fay, because of any connection between us and our present ally; but, on the contrary, as foon as you perceived that the treaty was in agitation, proposed terms of peace to us in consequence of what you have been pleased to denominate an infidious interposi-How then does the account stand between us? America, being at peace with all the world, was formerly drawn into a war with France, in consequence of her union with Great Britain. At present America. being engaged in a war with Great Britain, will probably obtain the most honourable terms of peace, in confequence of het friendly connection with France. For the truth of these positions I appeal, Gentlemen, to your own knowledge. I know it is very hard for you to part with what you have accustomed yourselves, from your earliest infancy, to call your Colonies. I pity your fituation, and therefore I excuse the little abberations from truth which your letter At the fame time it is contains. possible that you may have been misinformed. For I will not suppose that your letter was intended to delude the people of these States. Such unmanly, difingenuous artifices, have of late been exerted with fo little effect, that prudence, if not probity, would prevent a repetition. deceive you, therefore, I take the liberty of affuring your Excellencies. from the very best intelligence, that what you call " the present form of the French offers to North-America," in other words, the treaties of alliance and commerce between his Most Christian Majesty and these States, were not made in consequence of any plans of accommodation concerted in Great Britain, nor with a view to prolong this destructive war. If you consider that these treaties were actually concluded before the draught of the bills under which you act was fent for America, and that

much time must necessarily have been confumed in adjusting compacts of fuch intricacy and importance; and further, if you consider the early notification of this treaty by the court of France, and the assurance given that America had referved a right of admitting even you to a fimilar treaty, you must be convinced of the truth of my affertions. The fact is, that when the British Minifter perceived that we were in treaty with the greatest Prince in Europe, he applied himself immediately to counteract the effect of these nego-And this leads me with ciations. infinite regret to make some observations, which may possibly be by you confidered in an offensive point of

It feems to me, Gentlemen, there is fomething (excuse the word) disingenuous in your procedure. I put the supposition that Congress had acceded to your propositions, and then I ask two questions. Had you full power from your commission to make these propositions? Possibly you did not think it worth while to confider your commission, but we Americans are apt to compare things together, and to reason. The fecond question I ask is, What security could you give that the British Parhament would ratify your compacts? You can give no fuch security, and therefore we should, after forfeiting our reputation as a people, after you had filched from us our good name, and perfuaded us to give to the common enemy of man the precious jewel of our liberties; after all this, I fay, we should have been at the mercy of a Parliament, which, to fay no more of it, has not treated us with too great tenderness. R is quite needless to add, that even if that Parliament had ratified the conditions you proposed, still poor America was to lie at the mercy of any future Parliament, or appeal to the fword, which certainly is not the most plea-

fant bunnefs men can be engaged in.

For your use I subjoin the following creed of every good American. I believe that in every kingdom, state or empire, there must be, from the necessity of the thing, one fupreme legislative power, with authority to bind every part in all cases, the proper objects of human laws. I believe that to be bound by laws. to which he does not confent by himfelf or his representative, is the direct definition of a flave. I do therefore believe, that a dependence on Great-Britain, howfoever the same may be limited or qualified, is utterly inconsistent with every idea of liberty. for the defence of which I have tolemnly pledged my life and fortune to my countrymen; and this engagement I will facredly adhere to fo long as I shall live. Amen.

Now if you will take the poor advice of one, who is really a friend to England and Englishmen, and who hath even some Scotch blood in his veins, away with your sleets and your armies, acknowledge the independence of America, and as Ambassadors, and not Commissioners, solicit a treaty of peace, amity, commerce and alliance with the rising stars of this western world. Your nation totters on the brink of a stapendous precipice, and even delay will ruin her.

You have told the Congress, "If, after the time that may be necessary to consider this communication, and transmit your answer, the horrors and devastations of war should continue, we call God and the world to witness, that the evils which must follow, are not to be imputed to Great-Britain." I wish you had spared your protestation. Matters of this kind may appear to you in a trivial light, as meer ornamental slowers of rhetoric, but they are serious things registered in the high chancery of Heaven. Remember

the awful abuse of words like these by General Burgeyne, and remember There is one above us, his fate. who will take exemplary vengeance for every infult upon his Majesty. You know that the cause of America You know that she contends for that freedom, to which all men are entitled; that she contends against oppression, rapine; and more than favage barbarity: the blood of the innocent is upon your hands, and all the waters of the ocean will not wash it away. We again make our folemn appeal to the God of Heaven. to decide between you and us. we pray that in the doubtful scale of battle we may be successful, as we have justice on our side, and that the merciful Saviour of the world may forgive our oppressors: I am, my Lords and Gentlemen.

The friend of human nature, And one who glories in the title of His Excel. Henry Laurens; An American's.

To the Printers of the PENNSYL-VANIA GAZETTE.

GENTLEMEN,

While I regret that Governor Johnstone has thought it proper to write private letters into these States, upon the subject of his public commission, and highly respect the determination of Congress to prevent a private correspondence with the enemy; I think I render a fatisfactory fervice to the public in laying the following letters before them. The answer was written immediately after the receipt of Governor Johnstone's letter, but was not sent as was intended. However, thinking it too valuable to be lost, I prevailed upon my friend the President to allow it to be published, with the letter which gave occasion to it. I now fend them for publication, and am, Gentlemen, your most humble servant, York-Town, W. H. DRAYTON. June 17,1778.

Private. Philadelphia, June 10, 1778 Dear Sir,

I beg to transfer to my friend Dr. Ferguson, the private civilities which my friends Mr. Manning and Mr. Oswald request in my behalf. He is a man of the utmost probity. and of the highest esteem in the re-

public of letters. If you should follow the example of Britain in the hour of her infolence, and fend us back without a hearing, I shall hope, from private friendship, that I may be permitted to fee the country, and the worthy characters she has exhibited to the world, upon making the request in any way you may point out. I am;

> with great regard, dear Sir, your most obedient and most humble servant.

GEO. JOHNSTONE. Congress.

> York-Town, June 14, 1778. Dear Sir.

Yesterday I was honoured with your favour of the 10th, and thank you for the transmission of those from my dear and worthy friends Mr. Ofwald and Mr. Manning.—Had Dr. Ferguson been the bearer of these papers, I should have shewn that gentleman every degree of respect and attention, that times and circumstances admit of.

It is, Sir, for Great-Britain to determine whether her Commissioners shall return unheard by the Reprefentatives of these United States, or revive a friendship with the citizens at large, and remain among us as long as they please.

You are undoubtedly acquainted with the only terms upon which Congress can treat for accomplishing this good end; terms from which, alshough writing in a private character, I may

This Letter is ascribed to Samuel Adams, Elg. of Massachusetts Bay.

I may venture to affert, with great affurance, they never will recede, even admitting the continuance of hostile attempts, and that, from the rage of war, the good people of these States shall be driven to commence a treaty westward of yonder mountains. And permit me to add, Sir, as my humble opinion, the true interest of Great-Britain, in the present advance of our contest, will be found in confirming our Independence.

Congress in no hour have been haughty, but to suppose that their minds are less firm in the present. than they were, when, destitute of all foreign aid, even without expectation of an alliance—when, upon a day of general public fasting and humiliation, in their house of worship, and in the presence of God, they resolved, "To hold no conference or treaty with any Commissioners on the part of Great-Britain, unless they (hall, as a preliminary thereto, either withdraw their fleets and armies, or, in positive and express terms, acknowledge the Independence of these States," would be irrational.

At a proper time, Sir, I shall think myself highly honoured by a personal attention, and by contributing to render every part of these States agreeable to you; but until the basis of mutual confidence shall be established, I believe, Sir, neither former private friendship, nor any other confideration, can influence Congress to consent that even Governor Johnstone, a gentleman who has been so deservedly esteemed in America, shall see the country. I have but one voice, and that shall be against it. But let me intreat you, my dear Sir, do not hence conclude that I am deficient in affection to my old friends, through whose kindness I have obtained the honour of the present correspondence, or that I am not, with very great personal respect and esteem,

Sir, your most obedient and most humble servant,

HENRY LAURENS, The Hon. Geo. Johnstone, E/q, Philadelphia.

To their Excellencies the Earl of Carlisle, William Eden, and George Johnstone, Esquires, British Commissioners.

As I have but a few moments that I can, in conscience, appropriate to a correspondence with your Excellencies, I trust this circumstance will, with you, excuse the abrupt manner in which I introduce myself, and my

reflections, to your attention.

Your letter of the 9th instant to Congress, your commission, and the acts of the British Parliament upon which they are grounded, are the fashionable subjects of curious enquiry, in how many points of view they are fallacious and incompetent to the object of your oftenfible negotiation. Although Congress cannot condescend minutely to animadvert upon your propositions, as your Excellencies are empowered to hear individuals, I flatter myself, so anxious is your inclination to restore peace, that you will for a moment henour me with your attention.

In your letter of the 9th instant, Governor Johnstone signed this position, "Notwithstanding the pretended date or present form of the
French offers to North-America, yet
it is notorious that these were made
in consequence of the plans of accommodation previously concerted in
Great-Britain, and with a view to
prevent our reconciliation, and to
prolong this destructive war."

On the 5th of February, in the House of Commons, Governor Johnstone also signed this position, "I have had a hint, and have good reason to believe a proposition will

Be made to parliament in four or five days, by administration, that may be a ground of re-union: I really do not know the particulars, nevertheless, as I learn some preliminaries bave lately gone from France, I think it cannot be deemed unfriendly to either country, to give you notice of this intended proposition, THAT you may in prudence do nothing bastily with a foreign power."

The "preliminaries" mentioned by Governor Johnstone, as "lately gone from France," were at that moment at &a, with Mr. Simeon Deane, and had been so some weeks: they were to the following purpose: "That his Most Christian Majesty was determined to acknowledge our Independence, and make a Treaty with us of Amity and Commerce. That in this treaty, no advantage , would be taken of our present fituation to obtain terms from us, which otherwise would not be convenient for us to agree to, his Majesty desiring that the treaty, once made, should be durable, and our amity subsist for ever, which could not be expected, if each nation did not find its interest In the continuance as well as in the commencement of it. It was therefore his intention, that the terms of the treaty should be such, as we might be willing to agree to, if our flate had been long established, and in the fulness of Rrength and power, and fuch as we should approve of when that time should come. That his Majosty was fixed in his determination, not only to acknowledge, but to support our independence by every means in his power. That in doing this, he might probably be foon engaged in war, with all the expences, risque and damage, usually attending it; yet he should not expect any compensation from us on that account, nor pretend that he acted wholly for our fakes, fince, besides his real good-will to us and our cause, it was manifestly the interest

of France, that the power of Eng. land should be diminished by our separation from it. He should, moreover, not so much as infift. that, if he engaged in the war with England on our account, we should not make a separate poace for ourfelves, whenever good and advantageous terms were offered to us. The only condition he should require and rely on would be this, "That we. in no peace to be made with England. should give up our Independence, and return to the obedience of that government."-These preliminaries were, by Mons. Girard, in the name of his Most Christian Majesty, announced to the American Commissioners at Paris on the 16th day of December laft, And in consequence of them, the Treaty of Paris, between America and France, was actually figued on the 6th of February, 1778. It is notorious that it was on the 19th day of February that Lord North introduced his propositions to Parliament for a re-union with America.

From this state of facts, two points refult: First, that the two positions figned by Governor Johnstone militate against each other in direct terms. Secondly, " that fo far were " the French offers from being " made in confequence of the plans " of accommodation concerted in " Great Britain," that the latter were made in confequence only of the former; for the French offers were made on the 16th day of December. Governor Johnstone (connected with administration) on the 5th of February exprosly says, he was then ignorant of any particulars of a plan of accommodation. On the 6th of February the French offers were compleated by a treaty; and it was not till the 19th of February that any plan of accommodation was communicated to the British Parliament. Excellencies, however, do not fcruple, even in your first address to Congress, to affert a position, the contrary

to which is known to be the fact. will not charge you with a defigned falfity: the people will use their discretion. At any rate, this conduct on your part warns them to be upon their guard against you.

Having thus vindicated the honour of our good and great ally, the King of France; permit me to touch upon

your propositions to Congress.

Your Excellencies offer us a seat for our Representatives in your Parliament. Happily for us, we are too well acquainted with the infignificancy of the Scotch Representatives there, to expect that American Representatives can, in the same place, possess any importance; or that America can derive any advantage from fuch a representation.

As an alternative, you propose to fend Agents to our Assemblies. as we know they would be spies upon us, and agents to purchase our voices, we will have no fuch characters

among us.

You propose to concur in measures to discharge the debts of America. By this, as our subjection is implied, so are restrictions of some fort upon our trade; of necessity, so is a diminution of our ability to discharge our We know you cannot difcharge the debts of your own nation, we therefore cannot expect that you will, or even defire that you should, We are discharge any part of ours. willing and able to discharge our debts, without your concurrence or Your offer therefore wears the appearance of being officious and idle.

You propose to extend every freedom to trade that our respective interests cap require. Do we not know, that you have a natural inclination to monopolize trade? Do we not know, that your and our interests in the point of trade is in direct opposition? It is your interest that our trade should be limited—it is ours, that it should Vol. VI.

be unlimited-we there differ, toto

You propose a cessation of hostili-Withdraw your forces by land, and hostilities there are instantly ended; you need not be anxious for a cessation at sea; on that element we have every thing to fear from you. If you mean fair, why then do you delay to do that which you feem to defire, and which that it be done refts entirely with yourselves?

Such are your principal offers in Of how little value are they

to us!

But you offer us every thing short of independence. If you are ferious, of how little value must such a connection with us be to you!-Will your Excellencies condescend, with me. to view Great Britain and America under one Sovereign? The fovereignty in Britain; America possessed of powers of government, but short of independence.

America, formed for empire, must naturally arrive at it; having tafted of it, she will ever be anxious to posfess it again; having by arms acquired a power, but short of independence, she will increase in reputation and ability to become independent, and this will increase her defire to be so; her former success will possess her with considence and hope; experience will make her ever suspicious of the intentions of Britain: hence, being in possession of powers, only short of independent, she will always be prepared to affert her rights, especially having in mind her naked condition at the fudden commencement of the prefent war. fuch a formidable fituation, defign, accident, suspicion, or the breath of displeasure on either side, must, in a few years, break the cobweb by which you offer to hold her under the dominion of Britain. And is the acquiring dominion, to be held by fuch a tie, worth another campaign! Sſ

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Can:

Can it be worth the pursuit of a man of common bonefty and common sense!

But supposing your offers to be, what they are not, of sterling value to America: how inadequate are your powers to the purpose of accommodation! The great Lord Abingdon puts this matter in the clearest point of view. In his most elegant protest on this subject, he says,-" Although the Commissioners and the Congress be agreed, such agreement is of no effect till confirmed by Parliament; which is giving such advantage to Parliament, by knowing what Congress will do, and is of fuch disadvantage to Congress, not knowing what Parliament will confirm, that the very inequality of the conditions will put a stop to ac-If America enters commodation. into terms with you, fee what might be the consequence.—Your Excellencies must allow, that it is our duty to avoid them.

We have made a folemn treaty with France—the object is, the establishment of our independence. we treat with you upon the footing of dependence, we at once break our faith with France, for ever lose all credit with foreign nations, and are, ipso facto, cut off even from the hope or foreign succour. In this situation, you will absolutely hold us at mercy. Your King, Ministers and Parliament, may refuse to ratify your engagements, for they have the power to do fo. Governor Johnstone has long and ably pleaded the cause of America. Is he now come to our shore, to invite us to surrender to the justice and mercy of our most unjust and vengeful enemies! Enemies, who have for a long course of years treated us with the basest deceptions, and calumniated us throughout Europe: enemies, who have starved to death our countrymen taken prisoners, loading them while alive and in their power with every infult: enemies, who gave firetch to their savage al-

lies, to murder our old and unarmed farmers, and their helpless women and children: enemies, who have plundered our country, burned our towns, and armed fon against father. fervant against master, and brother against brother, in order to subject us: enemies, who have moved even hell itself, to accomplish their purpose of blood, ruin and tyranny: enemies, utterly abandoned to corruption, destitute of public virtue. deaf to the voice of justice, and dead to the feelings of humanity !- Can it possibly be expected that such enemies, after the expence of so many millions; the loss of so much of their own blood; the difgrace their arms have fustained; the infults to which they have been obliged to fubmit from foreign nations, in their pursuit of our destruction; the impending ruin under which they have been driven by our opposition; I say, can it possibly be expected, that when *such enemies, so provoked*, shall find us lying at their mercy, they will ratify your Excellencies terms, but short of independence, and be content to hold dominion over us by so slender a tie as a cobweb! Timeo Danaos, et dona ferentes.

America is independent, de facto et de jure. She will maintain her station at the expence of her last drop of blood. It is in vain to folicit what your arms, when most powerful, were not able to compel. You are no longer in that fituation. America is more competent to the contest than ever she has been. Our resolution is fixed; nor do we fear " the horrors and devastations of war," with which, in the conclusion of your letter, you France has acknowthreaten us. ledged our independence; the great powers of Europe smile upon us; we rely upon our own virtue and the favour of heaven. If we continue firm, we shall continue independent. Fare-W. H. D.• wel.

York-Town, June 17, 1778.

^{*} This letter is ascribed to William Henry Drayton, Esq; of South-Carolina,

In Congress, June 17, 1778.
Whereas many letters, addressed to individuals of these United States, have been lately received from England through the conveyance of the enemy, and some of them, which have been under the inspection of Members of Congress, are sound to contain ideas insidiously calculated to divide and delude the good people of

these States;
Resolved, That it be, and it is hereby earnestly recommended to the legislative and executive authorities of the several States, to exercise the utmost care and vigilance, and take the most effectual measures to put a stop to so dangerous and criminal a corre-

spondence.

Refolved, That the Commander in Chief, and the Commanders in each and every military department, be, and he and they are hereby directed to carry the measures recommended in the above refolution into the most effectual execution.

Extract from the Minutes, CHARLES THOMSON, Sec.

York-Town, June 20.
The following is an extract of a letter from Versailles, addressed to John Hoiker, Esq; lately arrived at York-Town from France, which is published for the information of those concerned in the privateers therein mentioned.

"The two American privateers, the Hancock and the Boston, commanded by the Captains Babson and Hendrick, brought into Nantz river the 13th of August last two English prizes, laden with sugar, which were entered as Dutch vessels, bound from St. Eustatia. This false entry occafioned the legal confication of the said vessels. After the laws had taken their due course, his Majesty has graciously listened to the applications which have been made to him, and I am directed to authorize you to pay to the owners of said American pri-

vateers, the Hancock and the Boston, the sum of 400,000 livres French money, which is said to be the sull value of the two vessels and cargoes."

On Thursday last the Hon. John Hancock, and the Hon. Samuel Holten, Esquires, two of the Delegates for the Massachusetts State, and the Hon. John Collins, Esq; one of the Delegates for the State of Rhode-Island, arrived here from the eastward.

From good authority we learn, that the enemy evacuated the city of Philadelphia on Thursday morning last, and that Captain M'Claine, with a party of Continental troops, took possession of it the same morning.

Copy of the Instructions to Captains of Privateers, &c. Extraded from the Registry of his Majesty's High Court of Admiralty of England.

G E O R G E R.

Instructions for the Comman-L. S.) ders of such merchant ships or wessels who shall have letters of marque and reprisals for private men of war against the French King, his wassals and subjects, or others inhabiting within any of his countries, territories, or dominions, by wirtue of our commission granted under our Great Seal of Great-Britain, bearing date the sight our Court at St. James's, the sight early of August, 1778. in the eighteenth year of our reign.

eighteenth year of our reign.

ART. I. That it should be lawful for the Commanders of ships authorised by letters of marque and reprizals for private men of war, to set upon by force of arms, and subdue and take the men of war, ships and vessels, goods, wares, and merchandizes of the French King, his vassals and subjects, and others inhabiting within any of his countries, territories, and dominions: but so as that no hossility be committed, nor prize attacked, seized, or taken, within

the

the harbours of Princes and States in amity with us, or in their rivers or roads, within the shot of their cannon, unless by permission of such Princes or States, or of their Commanders or Governors in Chief in

fuch places.

ART. II. That the Commanders of ships and vessels so authorised as aforefaid, shall bring all ships, vessels, and goods, which they shall seize and take, into such port of this our realm of England, or some other port of our dominions not in rebellion, as shall be most convenient for them, in order to have the same legally adjudged on in our High Court of Admiralty of England, or before the Judges of any other Admiralty Court lawfully authorised within our dominions.

ART. III. That after fuch ships, vessels, and goods, shall be taken and brought into any port, the taker, or one of his chief officers, or some other person present at the capture, shall be obliged to bring or send, as foon as possibly may be, three or four of the principal of the company (whereof the master, mate, or boatfwain, to be always two) of every ship or vessel so brought into port, before the Judge of our High Court of Admiralty of England, or his Surrogate, or before the Judges of fuch other Admiralty Court within our dominions, lawfully authorized as aforefaid, or fuch as shall be lawfully commissioned in that behalf, to be fworn and examined upon such interrogatories as shall tend to the discovery of the truth concerning the interest or property of such ship or ships, wessel or vessels, and of the goods, merchandizes, or other effects found therein; and the taker shall be farther obliged, at the time he produceth the company to be examined, and before any monition shall be issued, to bring and deliver into the hands of the Judge of the High Court of Admiralty of England, his Surro-

rogate, or the Judge of fuch other Admiralty Court within our dominions lawfully authorifed, or others commissioned as aforesaid, all such papers, passes, sea-briefs, charterparties, bills of lading, cockets, letters, and other documents and writings, as shall be delivered up, or found on board any ship. The taker. or one of his chief officers, or some other person who was present at the capture, and faw the faid papers and writings delivered up, or otherwife found on board at the time of the capture, making oath that the faid papers and writings are brought and delivered in as they were received and taken, without any fraud, addition, subduction or embezzlement, or otherwise to account for the same upon oath, to the fatisfaction of the Court.

ART. IV. That the ships, vessels, goods, wares, merchandizes, and effects, taken by virtue of letters of marque and reprisals as aforesaid, shall be kept and preserved, and no part of them shall be sold, spoiled, wasted, or diminished; and that the bulk thereof shall not be broken beginner to given in the High Court of Admiralty of England, or some other Court of Admiralty lawfully authorised in that behalf, that the ships, goods, and merchandizes

are lawful prize.

ART. V. That if any ship or vessel belonging to us, or our subjects, shall be found in distress, by being in sight, set upon, or taken by the enemy, or by reason of any other accident, the commanders, officers, and company of such merchant ships or vessels as shall have letters of marque and reprisals as aforesaid, shall use their best endeavours, and give aid and succour to all such ship and ships, and shall, to the utmost of their power, labour to free the same from the enemy, or any other distress.

ART. VI, That the commanders

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or owners of fuch thips and veffels, before the taking out letters of marque and reprizals, shall make application in writing, subscribed with their hands, to our High Admiral of Great Britain, or our Commissioners for executing that office for the time being, or the Lieutenant or Judge of the faid High Court of Admiralty, or his Surrogate, and shall therein fet forth a particular, true, and exact description of the ship or vessel, for which fuch letter of marque and reprizal is requested, specifying the burthen of fuch thip or vestel, and the number and nature of the guns, and what other warlike furniture and ammunition are on board the fame, to what place the ship belongs, and the name or names of the principal owner or owners of fuch ship and vesfel, and the number of men intended to be put on board the same, and for what time they are victualled, also the names of the Commander and officers.

ART. VII. That the Commanders of thips and vettels having letters of marque and reprizals as aforefaid, shall hold and keep, and are hereby enjoined to hold and keep a correfpondence, by all conveniencies and upon all occasions, with our High Admiral of Great Britain, or our Commissioners for executing that office for the time being, or their Secretary; so as from time to time to render and give him or them, not only an account or intelligence of their captures and proceedings by virtue of fuch commissions, but also of whatfoever elfe shall occur unto them, or be discovered and declared to them, or found out by them by examination of, or conference with, any mariners or passengers of or in the ships or vessels taken, or by any other ways and means whatfoever, touching or concerning the defigns of the enemy, or any of their fleets, thips, vessels, or parties; and of the stations, sea-ports, and places, and Vor. VI.

of their intents therein; and of what ships or vessels of the enemy bound out or home, or where cruizing, as they shall kear of; and of what else material in these cases may arrive at their knowledge; to the end such course may be thereupon taken, and such orders given, as may be requisite.

ART. VIII. That no Commander of any ship or vessel, having a letter of marque and reprizal as aforesaid, shall presume, as they will answer it at their peril, to wear any jack, pennant, or other ensign, or colours usually borne by our ships; but that, besides the colours usually borne by merchant ships, they do wear a red jack, with the union jack described in the canton at the upper corner thereof, near the staff.

ART. IX. That no Commander of any ship or vessel, having a letter of marque and reprizal as asoresaid, shall ransom or agree to ransom, or quit, or set at liberty, any ship or vessel, or their cargoes, which shall be seized and taken.

ART. X. That all Captains or Commanding Officers of ships, having letters of marque or reprizals, do fend an account of, and deliver over, what prisoners shall be taken on board any prizes to the Commissioners appointed, or to be appointed, for the exchange of prisoners of war, or the persons appointed in the sea-port towns to take charge of prisoners; and that fuch prisoners be subject only to the orders, regulations, and directions of the faid Commissioners; and that no Commander, or other officer of any thip having a letter of marque and reprizal as aforefaid, do prefume, upon any pretence whatfoever, to ranfom any prisoners.

ART. XI. That in case the Commander of any ship, having a letter of marque and reprizal as asorefaid, shall act contrary to these instructions, or any such surther instructions of which he shall have due notice, he

T t fhall

fiall forfeit his commission to all intents and purposes, and shall, together with his bail, be proceeded against according to law, and be condemned

in costs and damages.

ART. XII That all Commanders of ships and vessels, having letters of marque and reprizals, shall, by every opportunity, send exact copies of their journals to the Secretary of the Admiralty, and proceed to the condemnation of their prizes as soon as may be, and without delay.

ART. XIII. That Commanders of fhips and veffels, having letters of marque and reprizals, shall, upon due notice being given to them, obferve all such other instructions and orders as we shall think sit to direct from time to time for the better car-

rying on this fervice.

ART. XIV. That all persons who shall violate these, or any other of our instructions, shall be severely punished, and also required to make sull reparation to persons injured contrary to our instructions, for all damages they shall sustain by any capture, embezzlement, demurrage, or otherwise.

ART. XV. That before any letter of marque and reprizals for the purpose aforesaid shall issue under seal, bail shall be given with sureties, before the Lieutenant and Judge of our High Court of Admiralty of England, or his Surrogate, in the sum of three thousand pounds sterling, if the ship carries above one hundred and sifty men; and if a less number, in the sum of streen hundred pounds sterling, which bail shall be to the effect and in the form following:—

WHICH day, time, and place per-

fonally appeared

and

who submitting themselves to the jurisdiction of the High Court of Admiralty of England, obliged themselves, their heirs, executors, and administrators, in the sum of pounds of lawful money of Great Britain, to this effect; That is to fay, That whereas

duly authorized by letters of marque and reprizals, with the ship called the of the burthen of about tons, whereof he

the faid

goeth master, by force of arms to attack, surprize, seize, and take all ships and vessels, goods, wares and merchandizes, chattels and effects, belonging to the French King, or to any of his vassals and subjects, or others inhabiting within any of his countries, territories, or dominions whatsoever, excepting only within the harbours or roads within shot of the cannon of Princes and States in amity with his Majesty. And whereas he the said

hath a copy of certain inftructions, approved of and passed by his Majesty in Council, as by the tenor of the said letters of marque and reprizals, and instructions thereto relating, more at large appeareth. If therefore

nothing be done by the faid

or any of his officers, mariners, or company, contrary to the true meaning of the faid instructions, and of all other instructions which may be issued in like manner hereafter, and whereof due notice shall be given him; but that the letters of marque and reprizals aforesaid, and the said instructions, shall in all particulars be well and duly observed and performed, as far as they shall the said ship, master, and company any way concern; and if they shall give full satisfaction for any damage or injury which shall be done by them, or any of them, to any of his Majesty's subjects, or of foreign States in amity with his Majesty; and also shall duly and truly pay, or cause to be paid, to his Majesty, or the Customers or Officers appointed to receive the fame for his Majesty, the usual customs due to his Majesty,

Majesty, of and for all ships and goods so as aforesaid taken and adjudged for prize: And moreover if the said

shall not take any ship or vessel, or any goods or merchandizes, belonging to the enemy, or otherwise liable to confication, through confent, or clandestinely, or by collusion, by virtue, colour, or pretence of his faid letters of marque and reprizals, that then this bail shall be void and of none effect; and unless they shall so do, they do all hereby feverally confent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wherefoever the same shall be found, to the value of the fum of pounds be-

fore-mentioned; And in testimony of the truth thereof they have hereunto subscribed their names.

By bis Majesty's Command,
WEYMOUTH.
GODFREY LEE FARRANT, Register.

In Congress, April 30, 1778.
Resolved, That no commissioned officer in the army of these United States, who shall be honoured with a brevet commission, shall be entitled, by virtue of such brevet commission, to any higher rank in the regiment, to any higher rank in the regiment, troop or company to which he belongs, than he before held therein; such brevet commission giving rank only upon detachments from the line, and in General Courts Martial; nor shall such brevet officer be entitled to receive any additional pay in consequence of such brevet promotion.

Extract from the Minutes, CHARLES THOMSON, Sec.

In Council, Lancafter, April 27, 1778.

In the present important criss of public affairs, and according to the late call of Congress, the Supreme Executive Council of this State do hereby strictly charge all officers, employed in recruiting the Continental battalions of this State, to make the

most strenuous exertions, and redouble their endeavours to compleat the same, without loss of time.

And Council recommend to the Lieutenants and Sub-lieutenants, and all other officers of the militia, to use their utmost efforts to prepare for the immediate march of four classes, the next in turn, upon any emergency. By order of Council,

T. MATLACK, Sec.

Report of the Commissioners appointed by his Excellency General WASH-INGTON, to meet, confer, determine and agree upon a treaty and convention for the exchange of prisoners of quar, &c.

Philadelphia, 27th March, 1773.

Sir,

The Commissioners formerly mentioned by me will meet the Gentlemen you have nominated, in your letter of the 22d, at German-town, on the 31st instant, at 11 o'clock is the morning; and Johua Loring, Esq. my Commissary-general of prifoners, will give his occasional attendance.

A commissioned officer, with a ferjeant and twelve dragoons, will be sent from hence to attend under my Commissioners; and I give this timely notice, that you may, if you please, have an equal number with yours.

I conclude you will join with me in opinion, that German-town must be considered so far a neutral place, as that no troops be permitted to enter it, except the guards afore-mentioned, during the meeting of the Commissioners.

I am, with due respect, Sir, Your most obedient servant, W. Hows.

Gen. Washington, &c. &c. (Copy)

Head-Quarters, 29th March, 1778.

I have been favoured with your letter of the 27th initant.

Tt 2 I agree

I agree with you, that Germantown shall be considered a neutral place during the meeting of the Commissioners, and that no troops shall be permitted to enter it while they are there, except the guards mutually sent to attend them.

With due respect, I am, Sir, Your most obedient servant,

G. WASHINGTON.

Gen. Howe, &c. &c.

(Copy)
By bis Excellency Sir WILLIAM
HOWE, Knight of the Most Honourable Order of the Bath, General and Commander in Chief of all
bis Majesty's forces within the Colonies lying on the Atlantic ocean,
from Nova-Scotia to West-Florida
inclusive, &c. &c. &c.

To Colonel CHARLES O'HARA, Colonel Humphry Stephens, and Captain Richard Fitzpatrick.

In pursuance of an agreement entered into with General Washington, for the appointment of Commissioners on his part and on mine, to meet at German-town on Tuesday, the 10th day of March, 1778, with full powers to take under their confideration all past transactions relative to the exchange of prisoners; to adjust the differences that have so long subsisted in regard to them; to remove all difficulties that may arise, in carrying into execution a general exchange of the prisoners with both parties at this time; and finally to establish a regular and explicit cartel for the future; I do hereby nominate and appoint you, Colonel Charles O'Hara, Colonel Humphry Stephens, and Captain Richard Fitzpatrick, Commisfioners, on my part, for the purposes aforefaid; and you, or any two of you, are accordingly to repair to German-town on the day abovementioned, and there to treat, determine and agree with a like number of Commissioners, of suitable ranks, on the part of General Washington, vested with similar powers to those

herein contained, upon all matters whatfoever relative to priferers.

For all which this shall be to you, Colonel Charles O'Hara, Colonel Humphry Stephens, and Captain Richard Fitzpatrick, or to any two of you, a sufficient warrant, and your engagements so concluded upon will, upon condition of their being mutually interchanged, be finally ratified and confirmed on my part.

Given under my hand and seal, at Head-quarters, Philadelphia, the 5th

day of May, 1778.

W. Howe.
By his Excellency's command,
(Copy) ROBERT MACKENZIE.
By bis Excellency GEORGE WASHINGTON, Efg. General and Commander in Chief of all the forces of

the United States of America.
To Colonel William Grayson,
Lieutenant-colonels Robert Hanson Harrison, and Alexander
Hamilton, and Elias Boudinot, Esq. Commissary-general of

Prisoners.

Whereas a proposition was made by me, on the 3cth day of July, 1776, to his Excellency General Sir William Howe, and acceded to by him on the first day of August forlowing, stipulating an exchange of prisoners, "officer for officer of equal rank, soldier for soldier, and citizen for citizen."

And whereas differences have arisen on the construction and execution of this agreement; and it has been found by experience to be inadequate to all the desircable purposes for which it was intended, not being sufficiently extensive and definite to comprehend the diversity of circumstances incident to the state of captivity, or to ascertain the various modes of relief applicable to all.

In order to adjust all such differences, to prevent others in suture, so far as may be practicable, and to fix the exchange and accommodation of prisoners of war upon a more certain, liberal and ample foundation, you are, in virtue of full powers to me delegated, to meet fuch Commissioners of suitable rank, as are or shall be appointed on the part of General Sir William Howe, at German-town, on the last day of this month, and who shall come duly authorised to treat on the subject.

With them to confer, determine and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever, which may be properly contained therein, on principles of justice, humanity and mutual advantage, and agreeable to the customary rules and practice of war among civilized nations: for all which, this shall be your sufficient warrant, and your engagements, being mutually interchanged, shall be ratisfied and confirmed by me.

Given under my hand and feal, at Head-quarters, Valley-forge, this

28th day of March, 1778.

G. WASHINGTON.
By his Excellency's command,
John Laurens, Aid-de camp.
(Copy)

To bis Excellency GEORGE WASH-INGTON, Efq. General and Commander in Chief of the forces of the

United States of America.

We the Commissioners appointed by your Excellency, "to confer, determine and agree upon a treaty and convention, for the exchange of prifoners of war, and for all matters whatsoever, which may be properly contained therein," beg leave to report—

That in pursuance of your Excellency's orders, on the 31st day of March we met, at German-town, the Commissioners appointed by General Sir William Howe, for the purposes, as expressed in their Commission, "of taking into consideration all past transactions, relative to the

exchange of prisoners, to adjust the differences that have so long subsisted in regard to them, to remove all difficulties that may arise, in carrying into execution a general exchange of prisoners with both parties at this time, and finally to establish a regular and explicit cartel for the future."—

We produced our respective powers and interchanged copies for further examination; after which a propofition was made to us, to take up the business of our meeting in the form of a general cartel, and to make the discussion of past transactions a secondary object; in doing which, it was to be understood, that nothing was to be final or obligatory, till the whole treaty should be concluded. To this we readily agreed, as the mode appeared eligible in itself, and confonant with the intention of our commission.—These preliminaries being adjusted, a paper was submitted to our confideration, containing a number of articles relative to the fubject of our negociation, which we promise to peruse and deliver our fentiments concerning.

General Howe's Commissioners proposed to adjourn till the next day, and expressed a desire of returning that evening to Philadelphia, to which we did not then think proper

to object.

Having met the next morning, we, in a cursory manner, pointed out some impersections in General Howe's Commission: an essential one was, that it contained no recital of the authority by which he acted; whereas your Excellency's Commission experssly specifies, that it is "in virtue of full powers to you delegated." His Commissioners promised to communicate our objections, and receive his further instructions.

We proceeded in the mean time to a comparison of ideas on the paper above-mentioned, and made rough minutes of the result, agreeing that whatever whatever might be adopted, should only be considered as a concurrence in some general principles, which were to be modified, explained, enlarged and applied, as should be afterwards determined.

It was then proposed to digest what had been done into a more regular and explicit form, and to prepare any new propositions which might occur; but as this would necessarily require time, it was agreed to deser our next interview to Friday, the 3d of

April.

The Commissioners from General Howe then informed us, that it was expected by him that the Commiffioners on both fides were always to retire, after the business of the day, within their respective lines, and that the neutrality of German-town was only to continue during the time of actual negociation; as on account of the proximity of that place to Philadelphia, many inconveniences might attend our constant residence there. This proposal was equally unexpected and furprifing: we conceived it to be contrary to the tenor of the correfpondence communicated to us, which had passed between your Excellency and General Howe, for appointment of a place of treaty.—It could not but produce much unnecessary delay in the negociation, the distance between your camp and German-town being fixteen miles, and tended to impose a new and burthensome condition on us, by obliging us to perform a journey of twice that distance every day. In point of propriety, and for the dispatch of business, we thought it necessary the Commissioners should remain constantly together. These motives, and an apprehension that fomething might be implied, in the objection, unfavourable to our fuspend the negociation till we had reported to your Excellency the terms required, and received the directions in consequence. We declared our

resolution and reasons to General Howe's Commissioners, and have returned to camp accordingly.

W. GRAYSON, R. H. HARRISON, A. HAMILTON, E. BOUDINGT.

Camp, Valley-Forge,
April 4th, 1778. (Copy)
To bis Excellency George WashINGTON, Efq. General and Commander in Chief of the forces of the

United States of America.

We the Commissioners appointed by your Excellency "to confer, determine and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever which may properly be contained therein," beg leave to report,—

That, agreeable to your Excellency's orders, on Monday the 6th of April we met, at New-town, in Bucks county, the Commissioners appointed by Gen. Sir William Howe, for the purposes as expressed in their commission, of taking into consideration all past transactions relative to the exchange of prisoners, to adjust the differences that have so long subsisted in regard to them, to remove all difficulties that may arise in carrying into execution a general exchange of prisoners with both parties at this time, and finally to establish a regular and explicit cartel for the surrer."

dition on us, by obliging us to perform a journey of twice that distance every day. In point of propriety, and for the dispatch of business, we thought it necessary the Commissioners should remain constantly together.

These motives, and an apprehension that something might be implied, in the objection, unfavourable to our personal honour, determined us to suspend the negociation till we had reported to your Excellency the terms required, and received the directions in consequence. We declared our of binding the nation or extending the cartel

cartel beyond the limits and duration of his own command. They declared themselves ready to treat with us on this footing, and with their present powers, which they deemed adequate to the purposes of our meeting.

In answer, we affigned them our reasons at large for thinking there was a material defect in their powers, which must render any treaty we could form nugatory and unequal;—nugatory, because the private faith of an individual could not, in the nature of things. be a competent or proper security for a treaty of public import;—and unequal, because on the one hand, from the express terms of our powers, the public faith would be plighted for our engagements, and on the other, General Howe alone would be bound for the performance of theirs.

The Commissioners from General Howe, in the course of the discussion, intimated an impropriety in treating with us on a national ground, in a .contest of such a nature as the prefent, which might imply an acknowledgment inconfistent with their claims .- We observed to them, that if there was any inconfistency at all, it would operate equally against the forming a cartel on any principle whatever, and against the whole bufiness of exchange; but that the meafure was calculated for mutual advantage, and must justify itself on its expediency and necessity. We supported our observation by precedents drawn from practice in like cases; and in order to obviate every scruple, and to remove, as far as was in our power, every impediment to the execution of our commission, we proposed that a clause should be admitted into the cartel, declaring that no expressions contained in it should be construed to affect the political claims of either country, in any thing not directly necessary to the due and faithful observance of the treaty. This we thought a good expedient for reconciling difficulties on both fides.—We agreed to come to a final determination the next day.

We met accordingly; and after fome mutual explanations we informed General Howe's Commissioners. that on the most mature deliberation. we found ourselves obliged to adhere to our objections to their commission. and could by no means think ourselves authorised to treat with them, unless their powers were made correspondent to our own. They then proposed that two of their number should immediately proceed to Philadelphia, to confult General Howe again upon the subject. This proposal we chearfully assented to, in hopes that he would ultimately put it in our power to answer the definable purpoles of our appointment.

On the return of these gentlement from Philadelphia, they informed us, that General Howe persisted in the idea of a personal treaty on his part, and resused to enlarge his powers by the declaration required on ours. We then proposed to state our objections in writing, and to receive their answer in the same manner: the for-

"The Commissioners appointed by his Excellency General Washington, to confer, determine, and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever that may be properly contained therein—

mer we did, as follows:

"Having examined the powers on the part of General Sir William Howe to his Commissioners, and compared them with their own, obferve a difference, which, in their apprehension, is very essential and important: General Washington, in his commission, expressly declares it to be given in virtue of full powers to him delegated: General Sir William Howe, in his commission, makes no acknowledgment of any authority by which he acts.

"It appears to be the intention of the respective Generals, mutually expressed in their powers, to do an

extensive

extensive and permanent act, which shall not only effect a settlement of past differences, and a general exchange of prisoners for the present, but shall extend to the establishment of a regular and explicit cartel in fu-The objects of this cartel will not be wholly of a military nature, but will include matters of a very interesting civil concern.-It is apprehended, that the power of entering into a treaty of fuch importance is not naturally inherent in military command, and that it cannot be exercifed, by either of the Generals, as an official act, merely, in virtue of their military capacities; but must be founded on special authority, delegated for the purpose.—This authority, according to reason and universal practice, ought to be declared, otherwise it will not appear, nor have the least efficiency or operation-

"That if the authority does not exist, the negociation can have no sufficient foundation. It must rest folely on the footing of personal confidence. The public faith cannot be considered as pledged, for the performance of any engagements, in confequence of it, and those may of course be over-ruled at pleasure. Could the credit of individuals be fupposed great enough, in preservation of personal honour, to prevent the interference of superior authority -their influence could not, at any rate, extend beyond their own command, and should the casualties of war remove them, their fuccessors would not be, in any manner, bound by their engagements.

"In fine, it is conceived, there would be a manifest impropriety in conducting a business of this nature on personal ground, as such a measure would be destitute of that validity, which the folemnity of a public act alone can give, and which the magnitude of the objects it is intended to comprehend indispensibly requires.—Personal considerce, or the mutual considerce of individuals, is

too flender and unsubstantial a basis, for concerns of so great variety and extent, as the treaty in contemplation must necessarily involve.

W. GRAYSON, R. H. HARRISON,

A. HAMILTON, E. BOUDINOT."

Newtown, April 10, 1778.
To Col. Charles O'Hara, Col. Humphry Stephens, Captain Richard Fitzpatrick.

In return, the Commissioners on the part of General Howe delivered us a paper, containing a writing, as

follows:----

" The Commissioners appointed by his Excellency Sir William Howe. to take into confideration all past transactions relative to the exchange of prisoners, to adjust the differences that have so long subsisted in regard to them, to remove all difficulties that may arise in carrying into execution a general exchange of prisoners with both parties at this time, and finally, to establish a regular and explicit cartel for the future, having received the objections made to the Commission under which they act, from the Commissioners appointed to meet them for fimilar purpofes by General Washington, are much concerned to find they are likely to prove an obstruction to the execution of so defirable a purpose. They conceive the powers delegated to them by their commission to be sufficient and ample, for effectually accomplishing the purposes therein contained; and hereby declare themselves ready and defrous of immediately entering upon a treaty with the Commissioners appointed by General Washington, for carrying into execution the different objects of their Commission.

C. O'HARA, H. STEPHENS,

R. FITZPATRICK."
Newtown, April 11, 1778.

To Colonel Grayson, Lieutenant-colonel Harrison, Lieutenant-colonel Harmiston, Elias Boudinot, Esq.

We immediately prepared a reply to the foregoing writing, which we offered to General Howe's Commissioners, but they refused to read it; alledging that, if we would not meet them on the commission they now had, the negociation was at an end. We then read to them the reply we had prepared, to the following effect:

by his Excellency General Washington, to confer, determine, and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever, that may be properly contained therein, are inex-

preffibly concerned to find-

That the Commissioners on the part of General Sir William Howe should think it necessary to make the objections stated to their powers, and supported, as they apprehend, by the most conclusive reasons, an infurmountable obstacle to the progress of a negociation, intended to answer the most benevolent and estimable

purpoles.

As General Sir William Howe must be supposed fully impowered to enter into the treaty his commission imports, they can conceive no sufficient reason for not declaring his powers, and would flatter themselves, that nothing can be easier than to remove the cause of their objections, and to proceed in the business on admissible terms.—They are ready and solicitous to treat on fair, proper and equal ground; such as will give efficacy to their proceedings, and place a public act on the foundation of public authority.

W. GRAYSON,
R. H. HARRISON,
A. HAMILTON,
E. BOUDINOT."

Newtown, April 11, 1778.
To Colonel Charles O'Hara, Colonel Humphry Stephens, and Captain Richard Fitzpatrick.
We shall be happy if our conduct

Yor. VI.

on this occasion meets with your Excellency's approbation. We were fully sensible of your solicitude for the success of a treaty, designed to provide an effectual and durable remedy for those calamities, with which the state of captivity has been hitherto afflicted. We are forry the views of General Sir William Howe were so far different from yours, as to render them impracticable. Your powers to us were the standard, by which we were to judge of the suffi-The former are ciency of his. founded on the broad basis of national faith; the latter on the narrow one of private faith. A dissimilarity. in so material a point, appeared to us a folid, and on our part, insuperable objection. We confidered the formation of a treaty, by which such momentous concerns would be affected, with no other fanction than the personal honour and interest of an individual, not only as incompatible with our commission, but repugnant to reason, to the nature of the business, and to common usage in fimilar cases. A treaty so formed would, in our conception, be merely nominal-or at best of temporary operation-certainly ceafing personal command, liable at any time to be violated by public authority, without the imputation of public dishonour, and highly derogatory to the dignity of these United States.

W. GRAYSON,
R. H. HARRISON,
A. HAMILTON,
E. BOUDINOT."

Camp, Valley-Forge, April 15, 1778.

In Congress, April 21, 1778.
Resolved, That Congress approve the conduct of Colonel Grayson, Lieutenant-colonel Harrison, Lieutenant-colonel Hamilton, and Elias Boudinot, Esq. Commissioners appointed by General Washington to meet the Commissioners of General Sir William Howe, and with them

to confer, determine, and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever, which may be properly contained therein, in the several meetings held at Germantown and Newtown with the said Commissioners of General Howe.

Refolved, That Congress are sincerely desirous of settling a cartel, for the exchange of prisoners, on principles of justice, humanity and mutual advantage, and agreeable to the customary sules and practice of war among civilized nations; and that they lament the obstacles raised by General Howe and his Commissioners, during the negociations held for this desirable purpose.

Extract from the Minutes, Published by order of Congress, CHARLES THOMSON, Sec.

York-Town, May 2. New-York, April 17, 1778. SIR,

"Having been honoured with his Majesty's instructions to circulate the inclosures, I take the liberty to offer them to you, for your candid consideration, and to recommend, that through your means the officers and men under your command may be acquainted with their contents.

I am, Sir,
Your very humble servant,
W. TRYON, Governor."
General Washington:

Head Quarters, Valley-Forge, April 26, 1778.

SIR,
"Your letter of the 17th, and a triplicate of the same, were duly received. I had had the pleasure of seeing the draughts of the two Bills, before those which were sent by you came to hand; and I can assure you they were suffered to have a free currency among the officers and men under my command, in whose side-lity to the United States I have the

most perfect considence. The inclosed Gazette, published the 24th at York-Town, will shew you that it is the wish of Congress they should have an unrestrained circulation. (See page 163.)

"I take the liberty to transmit you a few printed copies of a resolution of Congress of the 23d instant, (see page 166) and to request you will be instrumental in communicating its contents, so far as it may be in your power, to the persons who are the objects of its operation. The benevolent purpose it is intended to answer will, I persuade myself, sufficiently recommend it to your candor.

I am, Sir,

Your most obedient servant, G. Washington." Major-general Tryon, at New-York.

York-Town, May 30.
Extract of a Letter from General
Washington to Congress.
Head-Quarters, Valley-Forge, May

"On the night of the 19th the enemy moved out in force against the detachment under the Marquis de la Fayette, mentioned in my letter of the 18th, which made a timely and handsome retreat, in great order, over the Schuylkill, at Matson's Ford. Our loss was nine men in the whole—the enemy's supposed something more. Their march was circuitous and rapid, and I should imagine that many of their men suffered from it. General Clinton, it is said, commanded in person.

Published by order of Congress, CHARLES THOMSON, Sec.

Extract of a Letter from a Gentleman who was in Camp when the Marquis de la Enyette lately returned with his detachment.

"I have enquired very particularly into the Marquis's enterprize, and have learned from a gentleman, on whose veracity and accuracy I can depend, the following articles—

" The

" The objects of the detachment are well known to every body. the 19th instant that detachment, confishing of about 2000 rank and file, and an irregular body of 45 Indians, marched from camp, and halted within 11 miles of Philadelphia, between Barren-hill Church and Schuylkill. The following and foon converted them into leggins. night a chain of guards and sentinels were stationed, for commanding the avenues into and out of the city. the mean time, some infamous tory must have betrayed the design; for, notwithstanding the vigilance of the fentinels, the enemy, in force of full 7000, came out near midnight, and by a round-about hard march penetrated the country fo far, as to reach the spot which the Marquis had occupied the preceding night, and the first intelligence of their progress reached the Marquis no sooner than break of day the 21st. From the account of their number, and the direction of their march, there was nothing left for the detachment but to decamp with all hafte, confissent with good order.

" The column of the enemy, as it approached the detachment, divided and took different roads, the more effectually to furround it; at the same time another column marched out of Philadelphia, advancing towards the Marquis's front. The retreat was conducted in excellent order, in presence of the enemy's advanced parties of horse. Sir Henry Clinton, who is faid to have been commander of the enemy's party, or whoever he was, must have been deceived by the regularity and good order of the retreat, and apprehenfive of being drawn into an ambuscade, otherwise nothing but want of courage can excuse him for letting the Marquis get off with fo trifling a loss as three men killed, and four prifoners.

" The enemy had two horsemen killed, and many wounded. When

the Indians had fired off their pieces

at the light-horse, they set up the war-whoop, and scampered about according to their custom. The lighthorse, terrified at the unusual found, scampered off too as fast as their horses would carry them. The Indians collected some of their cloaks. which were dropped in the flight,

" Many of the people from Philadelphia have stolen out, and deferters from the enemy's army are coming into our camp in great num-

bers every day."

Extract of a Letter from Major-general Sullivan to Congress, dated Providence, May 26, 1778.

" I beg leave to inform Congress, that in the night of the 24th instant, about fix or feven hundred of the British and Hessian troops at Rhode-Island embarked on board two ships of war, two tenders, and about thirty flat-bottomed boats, passed up the river, and landed before day between Warren and Poppasquash At the appearance of daylight they marched in two bodies, one for Warren, and the other for the head of Kickemuet River, where were about 70 flat bottomed boats and one of the State gallies. They burnt all the boats but twelve, and fet fire to the galley, which was afterwards extinguished without having done much injury; -they then fet fire to the meeting-house at Warren, and to feven dwelling-houses, and retreated towards Brittol, where their ships had fallen down with the flatbottomed boats to receive them .-They burnt in Bristol 22 houses, among which is Governor Bradford's. In their tour every species of cruelty was displayed—many of the inhabitants were taken and carried off. almost every house was plundered. They made no distinction between their friends and foes; some women, who had been long noted as their faithful friends, were compelled, by the

Uuz

the bayonet, to stand while their buckles were taken from their shoes, their rings from their fingers, their handkerchiefs from their necks, &c. I received intelligence of the enemy's landing about eight o'clock,-the country was immediately notified the troops from this place put in motion, and, lest an attempt might be intended upon this place or the weftern shore, some part of the militia was called in to guard the western shore and this place—the residue were ordered to march on toward the enemy; -all those from the Massachusetts were ordered to meet and oppose them. They affembled with great alacrity, and marched with much expedition. Colonel Barton was fent on to muster what force he could on the road, to affift Colonel Crarey's regiment, which was flat oned at Briftol, and had got into the enemy's rear. Colonel Barton, with Crarey's regiment and what force he had collected, amounting to near two hundred, attacked them in their retreat, and, I believe, did them confiderable injury; the gallant Colonel was dangeroufly wounded in the action. I arrived on the ground about half past eleven o'clock; the troops from this place, and a large body of militia, were about two miles in the rear coming on, many of which had marched near 20 miles in less than four hours. When I came upon the ground their rear had embarked and been off near an hour. I know nothing of their loss; we had two or three killed, several wounded, and five taken.

I cannot help observing that the place for laying up the boats was very injudiciously chosen; I was about to move them when I first came to this post, but, upon examination, found not one of them would swim. I employed a number of carpenters to repair them, with a view of moving them up Taunton river,

where they would have been fafe; but before this could be effected they were destroyed. One of the State gallies, manned with thirteen men, was taken yesterday morning at Gardiner's Neck by one of the enemy's gallies, which rowed up to her in the night."

Extract of another Letter from Major-general Sullivan to Congress, dated Providence, May 31, 1778.

" Nothing new has occurred in this quarter fince my last, fave that the enemy (who are lately very industrious in mischief) landed this morning at Tiverton before day, with a view of burning the mills, and some houses which were contiguous: "They immediately fet fire to an old mill and an old house, which stood near the place of their landing, and proceeded for the town to execute the plan, but were met at the bridge on Fall-River by 25 men, who prevented their crossing. They repeatedly endeavoured to cross the bridge, but were as often repulfed. and, after an engagement of an hour and an half, retired with precipitation to their boats, leaving one dead man and another mortally wounded behind them. From all accounts. they fuffered much in the attempt; and in reimbarking, when they were returning, our forts at Bristol and Tiverton annoyed them much, particularly the former. A large galley came up to Bristol-Ferry to cover them, but was by our cannon driven on shore, and so damaged, that at high water finding she could not be got off, the crew abandoned her. An armed floop which came to her relief shared her fate, and is likewise abandoned. I trust they will be burned this night.

P. S. The party of the enemy confifted of 150 men, commanded by one Major Ayres.

Published by order of Congress,
CHARLES THOMSON, Sec

CHARLES THOMSON, Sec. Boston,

Boston, June 25, 1778.
The following Letter from General
SULLIVAN to General PIGOT, and
General PIGOT's answer thereto,
are published by desire.

Providence, June 4, 1778.

SIR,

The repeated applications of the distressed families of those persons, who were captured by your troops, on the 25th ult. induce me to write you upon the subject. As those men were not in actual service, or found in arms, I cannot conceive what were the motives for taking them; or guess the terms upon which their re-

lease may be obtained.

Had the war on the part of Britain, been founded in justice, and had your troops in their excursion, compleated the destruction of the boats, and our military preparations in that quarter, without wantonly destroying desenceless towns, burning houses consecrated to the Deity, plundering and abusing innocent inhabitants, and dragging from their peaceful habitations, unarmed and unoffending men; such an expedition might have shone with splendor: it is now darkened with savage cruelty, and stained with indelible disgrace.

In your last letter to me, you gave it as your opinion, that the inhabitants of America, at large, would entertain more favourable sentiments of the views and intentions of Great Britain, than I seemed inclined to have :---If, Sir, the unprecedented cruelty of your troops, displayed upon every petty advantage, fince the commencement of this contest; the inhuman and unexampled treatment of priloners, who, by the fortune of war, have fallen into your power, had not fufficiently convinced the inhabitants of the United States, that they had nothing to expect from that nation but a continuance of those tyrannical and cruel measures, which drove them to a separation, the conduct of your party in their late excursion, must have stamped it with infallible certainty.

The law of retaliation has not as. yet been exercised by the Americans: -Humanity has marked the line of their conduct thus far, even though they knew, that their tenderness was attributed to base timidity.—But if a departure from the laws of humanity. can in any instance be justified, it must be, when such relentless destroyers, are intrapped by the vigilance of the party invaded. Perhaps at some such period, the Americans, fired with resentment of accumulated injuries, wearied with the long exercife of a humane conduct, which has only been rewarded with barbarity and infult, and despairing to mitigate the horrors of war by perfifting in the practice of a virtue, which their enemies seem to have banished from their minds; may, by fuddenly executing the law of retaliation, convince Britons that they have mistaken the motives of American clemency, and trifled too long with undeserved lenity. Should fuch an event take place, the unhappy fufferers may charge their misfortunes to the commanding officers of the British army in this country, whose mistaken conduct has weaned the affections of Americans from your nation—driven them to disavow allegiance to your Sovereign, and at length roused them to acts of retaliation.

I should not have wrote you so particularly upon this subject, had I not observed in the Newport Gazette, that the conduct of your troops, employed in the late expedition, had received your approbation and warmest thanks.

Your favouring me with a line, informing upon what terms, a release of those unfortunate persons may be obtained, will much oblige, Sir,

Your most obedient, and very humble fervant, JOHN SULLIVAN.

Major-General Pigor.

Newport

Sir, Newport, June 10, 1778.

I received your very extraordinary letter, and as you request nothing more than the favour of a line, to inform you upon what terms the prifoners taken on the 25th of last month, can be obtained, it is unnecessary to trouble you with a reply to any other part of your letter.

You are pleased to say, you cannot conjecture upon what terms their release may be obtained. You certainly must know, that by the laws of this country, every man above sixteen, and under sixty, is obliged to serve as a soldier, under very severe penalties; and have Generals and Field Officers appointed to lead them whenever called forth, and I have no doubt but many of those very persons, whom you call peaceable inhabitants, have been marched on the late intended invasion of this island, by General Spencer. This being the case, I do

not see there can be any objections made to their being exchanged for foldiers or feamen—Any one who does not come under the above defcription, of being between fixteen and fixty, shall, upon your pointing him out, be immediately set at liberty, without any exchange. Should this proposal be agreeable to you, I am ready to make the exchange as foon as you please; but in case it does not meet with your approbation, I am forry to acquaint you, that not having it in my power to accommodate the prisoners so conveniently and well as I wish to do, must be under the necessity, when an opportunity offers, of fending them to New-York, where they will be better attended toand more at large, and I wish I could. fay their exchange more eafily effected. I am, Sir.

Your most obedient humble fervant,

R. Picor.

In Congress, May 27, 1778. ESTABLISHMENT of the AMERICAN ARMY. I. INFANTRY.

Resolved, That each battalion of infantry shall consist of nine companies, one of which shall be of light infantry; the light infantry to be kept compleat by drafts from the battalion, and organized during the campaign into corps of light infantry:

That the battalion of infantry co	nfift of
	dollars per month.
T Lieutenant colonel and Captain, 60	Ď
8 1 Major,	·
€ 6 Captains, each 4	0
I Captain-lieutenant, — z	
. Mr	5 2-3
Enfigns, each	
Paymaster, 7	o) In addition to their
A. 17	pay as officers in the
August 1997	line,
i Surgeon — 6	
Surgeon's Mate	•
O DE LEGICIONE	0
Description of the Control of the Co	0
Ch. Tarring and A.	0
1 Drum-major,	0
ı Fife-major,	0
18 Drums and fifes, each -	タ フェ-?
27 Corporals, each	/ - 3 7 1-2
477 Privates, each	

Each

327 Each of the Field Officers to command a company. The Lieutenant of the Colonel's company to have the rank of Captainlieutenant. ARTILLERY. That a battalion of artillery confift of I Colonel. 100 dollars per month. 1 Lieutenant-colonel 1 Major 62 1-2 12 Captains, each 59 12 Captain-lieutenants, each 33 1-3 12 First Lieutenants, each 33 I-3 36 Second Lieutenants, each 33 1-3 S 25 In addition to their Pay-master, To be taken from the line. 16 Adjutant, pay as officers in the [16] Quarter-master, line. 1 Surgeon, 75 I Surgeon's Mate 50 1 Serjeant-major 11 23-90ths 1 Quarter-master Serjeant, 11 23-90ths. 1 Fife-major. 10 38-90ths. I Drum-major, 10 38-90ths. 72 Serjeants, each 10 72 Bombardiers, each 9 72 Corporals, each 72 Gunners, each

That a battalion of cavalry confift of

1 Colonel,
1 Lieutenant-colonel
1 Major
6 Captains, each
12 Lieutenants, each
6 Cornets, each
1 Riding Master,

23 1-3
26 2-3
33 1-3

40

Pay-master,
Adjutant,
Quarter-master,
1 Surgeon,

Addition to their pay as officers in the line.

1 Surgeon,

1 Surgeon,

1 Sadler,
1 Trumpet-major
1 Trumpet-major
10 11
6 Farriers, each
6 Quarter-mafter Serjeants, each
15 Trumpeters, each
12 Serjeants, each
13 Corporals, each
10 12 Dragoons, each
10 18 1

1 Surgeon's Mate

IV. PROVOST.

Refolved, That a Provost be established, to consist of

1 Captain of Provosts, _____ 50 dollars per month.

4 Lieutenants,

4 Lieutenants, each	33 1-3
1 Clerk — —	33 1-3
1 Quarter-master Serjeant -	15
2 Trumpeters, each	ro
2 Serjeants, each	15
ς Corporals, each	10
3 Provoîts or privates, each	8 1-3
4 Executioners, each	10

This corps to be mounted on horse-back, and armed and accounted as light dragoons.

Resolved, That in the engineering department three companies be estab-

lifted, each to confift of

1 Captain, 50 dollars per monthal
3 Lieutenants, each 33 1-3
4 Serjeants, each 10
4 Corporals, each 9
60 Privates, each 8 1-3

These companies to be instructed in the sabrication of field works, as far as relates to the manual and mechanical part. Their business shall be to instruct the satigue parties to do their duty with celerity and exactness; to repair injuries done to the works by the enemy's fire, and to prosecute works in the sace of it. The commissioned officers to be skilled in the necessary branches of the mathematics; the non-commissioned

officers to write a good hand.

Refolved, That the Adjutant and Quarter-master of a regiment be nominated by the Field Officers out of the Subalterns, and presented to the Commander in Chief or the Commander in a separate department for approbation; and that, being approved of, they shall receive from him a warrant agreeable to such nomination:

That the Paymaster of a regiment be chosen by the officers of the regiment out of the Captains or Subalterns, and appointed by warrant as above; the officers are to risque their pay in his hands; the Pay-masters to have the charge of the cloathing, and to distribute the same.

Resolved, That the Brigade-majors be appointed as heretosore by the Commander in Chief, or Commander in a separate department, out of the Captains in the brigade to which he shall be appointed:

That the Brigade Quarter-masterbe appointed by the Quarter-mastergeneral, out of the Captains or Subalterns in the brigade to which he shall be appointed.

Refolved, That two Aids-de-camp be allowed to each Major-general, who shall for the future appoint them out of the Captains or Subalterns.

Refolved, That in addition to their pay as officers of the line, there be allowed to

An Aid de-camp,
Brigade-major
Brigade Q. Master
Resolved, That when any of the

Refolved, That when any of the Staff Officers appointed from the line are promoted above the ranks in the line out of which they are respectively, appointable, their Staff appointments shall thereupon be vacated:

The present Aids-de-camp and Brigade Majors to receive their present

pay and rations.

Refolved, That Aids-de-camp, Brigade Majors, and Brigade Quarter-mafters, heretofore appointed from the line, shall hold their present ranks, and be admissible into the line again in the same rank they held when taken from the line; provided that no Aid, Brigade Major or Quarter-master shall have the command of any

any officers who commanded him

while in the line.

Resolved, That whenever the Adjutant-general shall be appointed from the line, he may continue to hold his tank and commission in the line.

Refolved, That when supernumerary Lieutenants are continued under this arrangement of the battalions, who are to do the duty of Ensigns, they shall be intitled to hold their rank, and to receive the pay such rank intitled them to receive.

Refolved, That no more Colonels be appointed in the infantry; but where any such commission is or shall become vacant, the battalion shall be commanded by a Lieutenant-colonel, who shall be allowed the same pay as is now granted to a Colonel of infantry, and shall rife in promotion from that to the rank of Brigadier; and such battalion shall have only two Field Officers, viz. a Lieutenant-colonel and Major, but it shall have an additional Captain.

May 29. Refolved, That no perfons hereafter appointed upon the Civil Staff of the army shall hold or be intitled to any rank in the army, by virtue of such Staff appointment.

June 2. Refolved, That the officers herein after-mentioned be intitled to draw one ration a day, and no more; that where they shall not draw such ration, they shall not be allowed any compensation in lieu thereof.

And to the end that they may be enabled to live in a manner becoming

their stations.

Refolved, That the following fums be paid to them monthly for their subsistence, viz. to every Colonel 5 dollars per month; to every Lieutenant-colonel 46 dollars; to every Captain 20 dollars; to every Lieutenant and Ensign 20 dollars; to every regimental surgeon 30 dollars; to every regimental Surgeon's Mate 10 dollars; to every Captain 6 every Chaplain of a brigade 50 dollars.

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Refolved, That subsistence money be allowed to officers and others on the Staff, in lieu of extra rations, and that henceforward none of them be allowed to draw more than one ration a day.

Ordered, That the Committee of Arrangement be directed to report to Congress as soon as possible, such an allowance as they shall think adequate to the station of the respective officers and persons employed on the Staff.

Extract from the Minutes, Charles Thomson, Sec.

In Congress, June 6, 1778.

A letter of the 27th of May, from Lord Howe, and one of the 3d of June, from General Clincon, at Philadelphia, accompanied with three Acts of Parliament, were read—The

letters are as follow:

Sir, Philadelphia, May 77. Having, by a packet just arrived from Great-Britain, received King's commands to transmit to the Congress, and to the Commander in Chief of their troops, the copies of two Acts passed this session of Parliament, for quieting the disorders now fublishing in these Colonies, and preparing the way for the return of peace. I embrace the earliest opportunity to forward the inclosed copies of those Acts, and of any other Act relating to the government of the province of Massachusetts-Bay, for the information of the Congress thereon; most sincerely hoping this communication will be productive of the defired good effects.

I am, with due confideration, Sir, Your most obedient fervant, Henry Laurens, Esq. Howr.

President of the Congress.

Head-Quarters, Philadelphia, June 3, 1778.

Sir

I am directed to transmit to Congress, and the Commander in Chief of their troops, printed copies of

three Conciliatory Acts of Parliament: let me add my most sincere wishes, that they may produce the desireable effect which is hoped from them. I have the honour to be, Sir,

. Your most obedient, and most humble servant,

H. CLINTON. Henry Laurens, Esq. Prefident of the Congress.

Ordered. That they be referred to

a Committee of five.

The members chosen, Mr. Drayton, Mr. R. H. Lee, Mr. G. Morris, Mr. Witherspoon, and Mr. S. Adams.

Ordered. That the Committee retire into the next room, and prepare an answer to Lord Howe and General Clinton's letters.

The Committee appointed to prepare answers to Lord Howe and General Clinton's letters, brought in a draught, which was read and agreed to, as follows:

York-town, June 6, 1778.

My Lord,

I have had the honour of laying your Lordship's letter of the 27th of May, with the Acts of the British Parliament enclosed, before Congress; and I am instructed to acquaint your Lordship, that they have already expressed their sentiments upon Bills, not essentially different from those Acts, in a publication of the 22d of

April laft.

Your Lordship may be assured, that when the King of Great Britain shall be feriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace as may confift with the honeur of independent nations, the interest of their constituents, and the facred regard they mean to pay to treaties. I am, my Lord, with all due confideration, your Lordship's

most obedient servant,

HENRY LAURENS, Lord Howe. Prefident of Congress.

York-town. June 6, 1778. Sir.

I have had the honour of laying your letter of the 3d instant, with the Acts of the British Parliament which came inclosed, before Congress; and I am instructed to acquaint you, Sir, that they have already expressed their sentiments upon Bills, not effentially different from those Acts, in a publication of the 22d of April laft.

Be affured, Sir, when the King of Great Britain shall be seriously difposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to fuch terms of peace as may confift with the honour of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties.

I have the honour to be, Sir.

Your most obedient, and most humble servant.

HENRY LAURENS, Prefident of Congress: His Excellency Sir Henry Clinton, K. B.

CHARLES THOMSON, Sec.

in Philadelphia. Published by order of Congress,

By the Earl of CARLISLE, Sir HENRY CLINTON, WILLIAM EDEN, E/quire, and George Johnstone. Esquire, Commissioners appointed by bis Majesty, in pursuance of an A& of Parliament, to treat, consult and agree upon the means of quieting the disorders now subsisting in certain of the Colonies, Plantations, and Provinces of North-America. PROCLAMATION.

Whereas the King in Parliament being desirous to restore the blessings of reconciliation and peace to Great Britain and her Colonies, did in the course of last session repeal certain Acts, which were found to have exoited jealousies, and given apprehenfions of danger to liberty in the faid Colonies. And being further defirous in the most speedy and effectual

manner to remove every obstruction to the re-establishment of peace, did appoint us his Commissioners to act on this Continent, and by our prefence in America to prevent the delays that must have attended the pasfage and return of messengers to and from Europe, on every subject of difcussion that might arise. known to all whom it may concern, that we being met at Philadelphia on the 10th of June, did from thence dispatch the following letter, with the inclosures hereto annexed, to Henry Laurens, Eiq. President of the Congress, and have received the answer subjoined.

[Here follows the Commissioners letter to the Congress, and the answer; (See page 293.) After which is inserted in the New-York print, the following paper, signed by Mr. Professor Ferguson, Secretary to the

Commissioners.]

We now call upon all persons in the British Colonies, or States of North America, to judge with candour of the gracious intentions entertained by his Majesty, and by Parliament, towards them, and to the aiding us in bringing the unhappy divisions now substiting in this Continent to a speedy termination, and in procuring the lasting peace and security of all the different members of this once happy and prosperous Empire:

In these public communications of our proceedings to which the people of North America are so fully entitled, we shall not pretend to employ argument farther than may be necesfary to explain our own conduct, without any view to bias the judgment of those who are not less interested than we are on our part, to decide for themselves in these important matters.

As the great object that must determine our own deliberations is the prosperity of Great Britain, in consistence with the general welfare of the Empire, we naturally expect to find among the inhabitants of North America a like attachment and folicitude for the interest of their general confederacy, and of the several Colonies or States of which they belong.

In this spirit they will judge of the propositions contained in the preced-

ing letter.

Those propositions we have made in the hope that they may become more beneficial to our country in the present situation of affairs, than the original plans of fettlement conceived to restrain the trade, and controul the internal government of the Colonies, and more fafe for all parties; than any arrangements calculated to form a revenue in America at the disposal of Parliament; we at least flatter ourselves, that they may be found sufficient to establish that union of force, on which the strength and fafety of nations depend, without endangering the liberty of the fubject in any part of the Empire. The Congress, the Assemblies, and the people of America will judge for themselves, whether that union of force which we on our part deem of so much advantage to Great Britain, may not be of equal advantage to And whether the internal peace of their own fystem, will not be more fecure under the title and Majesty of the King of Great Britain, whose prerogatives are exercised within strict limitations, and whose authority will ensure the regular execution of every law that may be provided by the representatives of the people for their peace and fecurity, than it ever could be if left to be agitated by the storms of faction, and the jarring interests of so many parties, as are likely to divide this Continent, after they have laid aside the respect that is due to the ancient constitution, under which they have fo long prospered.

They will judge whether such an union with Great Britain, will not be preserable to the alliance of the

X x 2 French

French monarchy, which ever has been, and in its constitution ever must be, an enemy to all freedom, of laws and religion. In these expressions, we wish to preserve the respect that is due to the persons of Princes, without being the dupes of their policy, and we must, without disputing either the greatness or the goodness of his Most Christian Majesty, still insist that the policy of France on the present occasion has been insidious, and not more hostile to Great Britain, than in its tendency pernicious to the people of America, however it may be flattering to the ambition of some, and favourable to the private interest of others.

But above all, we call upon those who have fuffered, or who may fuffer by the continuance of the calamities er war, deriously to consider the original cause of the present hostilities, with the propositions we have made to remove them, and to obviate all further disputes. We call upon them to consider the reasons, which, not withstanding the repeated and folemn declarations of the people of America, that they never wished to separate themselves from Great Britain, are now assigned by Congress, for rejecting any discussion on these subjects, unless Great Britain shall con- fent to preliminary articles, that must prevent any subsequent union of interest between us. And we trust, that having to confidered these matters, they will acquit Great Britain of the guilt to be imputed to the authors of any distress, to which they may still be exposed.

Hoping that a fair judgment will be passed on our proceedings, we shall pursue such measures as we apprehend most likely to acquit us of the duty which we owe to our Sovereign, our fellow subjects in Great Britain, and the Colonies, and to evince the sincerity of the intentions with which we endeavour to obtain those blessings of peace, which are the

objects of our Commission, devoutly praying for the assistance of Almighty. God, and the concurrence of all good men.

By their Excellencies Command, ADAM FERGUSON, Sec.

From the NEW JERSEY GAZETTE. Though I never had any apprehenfions that Great Britain could reduce us to unconditional submission by the force of her arms, I was not without my suspicions, that as soon as she discovered the impracticability of her purpose, she would attempt by the stratagem of negociation, what she found unattainable by her military prowefs. Accordingly Lord North is now determined (with the help of a better head than his own) to divide us by infidious propofals, to gain time for reinforcing the British troops, while he expects to divert us by a ridiculous accommodation, from aug-

menting our own.

To prevail upon the English nation to lay aside all thoughts of conquest with which he has constantly flattered it, he is obliged to acknowledge fuch mortifying truths as no other confideration would have extorted from him. "Our army," fays he, " is great; our navy is great; but the relistance of America is greater; and the war has lasted longer than was at first apprehended. To strengthen our force, and continue the war upon the present plan, is attended with too great an expence of men and money; an expence which conquest itself would not balance." It is therefore evident that he quits his pursuit of conquest only from the want of men and money necessary to effect it. But incapable of executing his original fanguinary defign, what does he fubstitute in its room? Only to trick us into that same taxation under a more specious form by dint of artifice, into which he could not beat us by the length of his sword. For what is the right of taxing the merchandize of a

trading

trading people which Britain now proposes, but the right of drawing from them what fums she pleases? Would not the farmer, would not the artificer, would not every citizen of America, who confumes any of the commodities, upon which a duty was imposed, pay the tax of the price advanced in proportion to the duty? And in the extensive manner in which the draught of the bill is worded, of not imposing any duty, &c. except only such as may be expe-. dient to impose for the regulation of commerce, will not their Parliament (which is intended to be the fole judge of this expediency) impose just what duties it shall think proper? Will it not think it expedient to debar us from trading with any nation except their own, and with themselves at their own prices? And thus from the most glorious prospect, of being the happiest and most flourishing people upon the face of the earth, by appointing our own rulers and trading with the whole world, we are voluntarily to refign ourselves to the most ignominious bondage, and to facrifice our commercial interest to a nation that, while we were connected with them, abused the exercise of their regulating power to fuch an oppressive degree, as constituted one of the principal causes of our revolt. And what can be more provoking than for Great Britain, after acknowledging the superiority of our arms, to propound fuch a controul over our commerce as we remonstrated against before the commencement of the war; and which would infallibly render us and our remotest posterity the flaves and tributaries of a nation venal, corrupt, abandoned, and rushing headlong into inextricable perdition? But, to palliate this ruinous measure, it is sugared over with " that the net-proceeds of fuch duties shall be always paid and applied to and for the use of the colony, &c. in which the fame shall be respectively

levied;" that is, in plain English, to maintain legions of hungry ministerial dependents, who are to be fent amongit us to accumulate fortunes, and then to re-cross the Atlantic, to dissipate in luxury what they amassed by iniquity, and thus make room for another set equally penurious and rapacious. For my own part, I would rather pay the tax immediately into the English Exchequer, as I think it infinitely more eligible to support a number of rogues in London than in America. No wonder therefore, that this fubtle minister is willing in appearance to yield to our independence, if we would but yield to him the right of regulating our trade, as by that very cession we should make the fullest recognition of our depend-

Nor is the draught of the bill to enable the King of Great Britain to appoint Commissioners, &c. less insidious than the other, there being no fecurity that Parliament will confirm their negociations, and the whole evidently designed to induce us to a cessation of hostilities, to give them opportunity to increase troops, and spread diffention amongst us: but the disguise is too thin to delude the fagacity of an American. Nor does it even revive the drooping spirits of a single tory. Britain has out-lived her day of grace respecting us. And how Lord North could flatter himself that any man of common sense would put the least confidence in him, while he makes the most shameless facrifice of truth whenever it serves his purpose, is as unaccountable as Tryon's imagining that we should give the more credit to a paper for the fake of his certificate. To support my charge against his Lordship, I shall enumerate several passages in his speech, as destitute of truth as the Parliament itself is of public virtue.

1. I have great reason to believe, from the declarations of the Colonies,

that

that they are willing to contribute their share to the public support. Then Governor Hutchinson must be your informer.

2. I thought it necessary to show them (the Colonies) that we were not sighting for taxation, for I never thought that such taxation would be very beneficial to us. The greater your guilt for endeavouring to force it by war.

3. In many of the Assemblies there was an inclination to have accepted it (his conciliatory proposition) before the war. Multiply New-York by

nought and the product is one.

4. My intention was from the keginning, at the moment of wistory to bave proposed the same proposition, in terms obviating all the misrepresentations and misunderstandings concerning it.—Unconditional submission!

5. I never thought taxation a fufficient object for the contest. Pray what elie has the contest been about?

6. But I fought for the dependence of America.—And did America ever dream of independence, till the oppressions of Britain compelled her to declare it?

7. The Congress claimed independency. I suppose by openly and so-

lemnly disavowing it.

8. The Colony of the Massachusetts claimed it. When, where, and how, my Lord? Why a great outrage was committed on our merchants—The affair of the tea, I presume. And if so, did not New-York and every other Colony that destroyed the tea or the stamps, claim it as much?

9. The contest was for supremacy. I dare be bound no man will ever contest with Lord North his supremacy in the case of felicians.

macy in the art of falfification.

10. Our customs are not diminished. To be proved, I suppose, by the Virginia entries.

11. I never proposed any tax. For witnesses to this fact, call Lord North's speeches of last year.

12. The Commissioners were men

trusted by America. As a traveller trusts a robber with his purse.

13. The farmers of America are ruined—as fure as that wheat at twelve shillings the bushel is less than

at five.

Here is what is called a baker's dozen of fuch palpable deviations from the truth, as no private gentleman, who had the least regard for his character would chuse to floop to; and which, before the total extinction of all virtue, a British nobleman would have deemed peculiarly difgraceful. But the artifice is too vifible to deceive any man of common discernment. It is plainly intended to lull us into fecurity. Britain apprehends a war with France, and wants all her forces for her own domestic desence. Her present offers are no argument of her relenting at the bloody measures she has hitherto purfued. Her disposition to treat at all, arises from her inability to profecute the war. She would listen to no accommodation while she thought herself able to subdue us. jected our prayers with disdain. She called us rebels, because we armed in defence of our liberty. And why treat with us continuing in arms, and confequently equally rebels? But how can we treat with her while she claims the right of taxing us, fince rather than acknowledge this right we have revolted from her? And shall we negociate with her still claiming it, and that after finding that she despairs of enforcing it by the sword? God forbid.

From the same.

In the beginning of this controversy, all the pains in our power were taken to bring about an accommodation, and prevent matters coming to an extremity. We reasoned, remonstrated and petitioned, over and over again; but whatever we said or did, was treated with insult and contempt; and seemed only to increase the haughtiness and insolence

of our oppressors. In return for the most humble petitions, they branded us with the odious name of rebelthreatened to force us into absolute and unconditional submission, and denounced vengeance against us, for daring to stand up in the defence of our rights, in opposition to the omnipotent claims of parliament, to bind us in all cases what soever. talked loudly of the dignity of the nation, and fcorned even to hear the petitions of that Assembly, whom neceffity had compelled us to form for our common fafety. They boafted at home and abroad, that they would quell the rebellion in one campaign. They passed one tyrannical act after another, to ruin our trade and cut off our supplies. They covered the sea with their yessels-ransacked England, Ireland and Scotland for menhired petry German Princes to make a traffick of their subjects-left the nation in fuch a defenceless state, that it has reason to tremble for its own fafety-almost ruined its trade, and spent millions of money. All this they have done, and more, to con-quer America. They have tried the effect of three campaigns-have had their armies reduced to the Inadow of what they were-one with all its baggage, artillery and stores, compelled to furrender to our victorious armsthe other obliged to quit the field with disgrace, as they did at Whitemarsh, and retreat behind strong works for shelter; and now, all of a fudden, they talk of terms of peace and accommodation. What has produced this surprising change? After all they have done to carry their point, it is infamous to look back. enemies of the administration at home will triumph over them, and all Europe will laugh at their impotence and folly. What could bring them to fuch humiliating concession? Nothing but dire necessity. They see it is impossible for them to succeed, and

therefore they want to fool us into a peace. But we should be fools indeed, if we were to think of one with them, which will only give them an opportunity of doing that by craft and cunning, which they could not do by force; and when we can have one in a very little time, and preserve our independence—a safe, lasting, and honourable peace.

I fay Great Britain would never have stooped to talk of any terms, if fhe had not been convinced it was impossible to conquer us, and that to continue the attempt would ruin Men and money begin to grow scarce—She sees a war with France is unavoidable. There is all the reason in the world to believe, that it is at this time declared. Intelligence from different quarters fays it is fo. or if it was not so before, the steps the Parliament are now taking, will make it so. France will never look on quietly, and fee them making peace with us. She knows that if America should be again joined to Britain, she will be ruined. Britain knows that if America should be allied to France, she will be ruined.

What a miserable and despised people should we be, if we were to make peace with England! We should be over-run with placemen and pensioners, who, like locusts, would eat up the land. Corruption and bribery, like a torrent, would fweep' down every thing before it. Our trade would be hampered and confined more than ever it was. For fear we should feel our strength, and try again to make ourselves independent, they would do every thing in their power to keep us poor, weak and miferable. They would infult and trample us under foot. The whole world would despite us as a foolish mean-spirited race of men.

How happy and flourishing shaft we be, if we continue independent!

Peace

Peace must soon take place—a French war will immediately carry it from our door. Lord North confesses that our strength is much greater than he expected-that the expence of conquering us would be more than the value of conquest would compensate, even if they were fure of fucceeding. On this footing they cannot carry on the war much longer—After another campaign, they must give it up of themselves, it no foreign power should interpose. Then we shall be masters of ourselves—we shall make our own laws-we shall have only our own governments to maintain. We shall have a free commerce with all the world. We shall trade with England as much as we find it our own interest and no further, and on better terms than ever we did before. She will be glad to have us for her customers, if we are willing to be so; and as the cannot claim our custom as a matter of right, the must take care to treat us well to get and keep it. A free trade, under a government of our own, will make us rich and flourishing, will produce plenty of every kind, will tempt people from every country in Europe to come and fettle among us; which will of course raise the value of land beyond any thing we can now imagine.

Some people think, as we were happy enough once in connection with England, we ought to be fo again: but they are mistaken. towns had not then been burnt by Englishmen-our land had not been desolated—our houses had not been plundered—our countrymen had not daughters had not been ravished .-We then had affection for, and confidence in, one another. have none; but irreconcileable enmity and jealoufy, never to be cured, have taken their place. An union with them would be affected, unnatural, and destructive to the tranquility and happiness of America.

From the same. To Lord NORTH.

My Lord.

I have just read your Lordship's speech, and draughts of two acts of parliament for composing the disorders in America, and beg leave to congratulate your Lordship upon your partial recovery from the delirium under which you have laboured ever fince you began the war in America.

You say that you have been deceived in your accounts of the internal strength of America. This was your own fault. Had you confulted honest men, or the petitions and addresses of the Congress, instead of the vagabonds and raicals who were banished from their native country, you would not have been forced to make that most humiliating acknowledge-

You deny your having ever been on advocate for taxing America. Here you forget that when you failed in collecting the strength of Britain to enforce the supremacy of parliament over this country, you unfurled the banner of substantial revenue as the only argument that could weigh with the nation to lend their money or spill their blood in reducing us to an unconditional submission. We re-member too well the effect at had upon the deluded people of Britain, to be terrified with your twelve fubscription regiments now you have removed taxation from among the number of the objects of the war.

You attempt to confole the nation whom you have ruined by talking to them of the greatness of their been flaughtered—our wives and army and navy-We thank you for your encomiums upon them, both. What must be the finternal strength" Now we of America when that power is not fufficient to conquer use You talk of the diffrestes of the people of America. It is when my hord, the States which have been the feats of the war have felt many devere calamutics. But, my Lord, you have

now

now the fewelt friends in those States. The farmers whom you have ruined are your worst enemies. The necesfaries of life abound with us. Domeltic industry, has nearly supplied the want of foreign trade. Salt is now manufactured on all our sea coasts, as well as brought to us in French, Dutch and Danish bottoms in such quantities, as to be fold in some places for four, and in no place for more than twelve dollars a bushel. Your Lordship was unfortunate in fixing the highest price of falt among us at thirty dollars. It has been fold at fixty dollars; but the men who bought it paid for it chearfully, as the temporary price of their liberty. · They would have paid five hundred dollars for it rather than pay a penny to your Lordship for a whole cargo. if that penny would have been deemed an acknowledgment of their allegiance to the crown of Britain! have paid too, my Lord, not only fixteen; but in some cases thirty-two dollars for a pound of tea-But, my Lord, these dollars were often obtained by the fale of British metchantmen, or by supplying your natural enemies with the produce of our country.

You talk of general and particular pardons.—You would have infulted us had the propositions of pardon been reciprocal between the two contending empires. The power of pardoning is lodged only in the United States. Your , parliament, and your nation, are fained with the innocent blood of our fathers and children. We have done you no injury, except in repelling the injuries you intended for us. We commit you to the justice of the Arbiter of nations. We wish not to be the instruments of executing vengeance upon you for your outrages upon us. Brisons may enjoy alone the pleasure of shedding kindred blood-We shudder at the shoughts of being your executioners. That business, we believe, is re-Yot. VI.

ferved for your old enemies the French.

. After a struggle of three years, the beam on which were suspended the fate of both countries, has at last turned in favour of America. scale has not, it is true, yet reached the ground, but it is hastening thither with great rapidity. Do you think we estimate our strength fo lightly. or reason so absurdly, as not to know that the fame exertions which forced you to repeal acts of parliament-to cancel the name of rebels in your propositions of peace, and to offer us pardons, will in a short time force you to an independence, and to fue for an alliance with us? Yes, my Lord, the gradation in sname was too great, or you would have done it this year; but it is now too late. We are now united to your powerful rivals the French, and we glory in the connection. We have felt how great her weight and influence are. compared with yours in the courts of Europe. We know how many ties of interest there are to connect us together. Our resources for a navy alone must bind France to us for ever. We have nothing to fear from ancient prejudices in favour of her religion, laws, or government; and therefore we shall be in no danger of improper innovations in the religion. laws; or government of our country, by an intimate union with her. With fuch an ally as France in Europe, what power will dare to molest ms ;

Her wealth—her numerous armies—her military spirit—the nature of her government—the genius of her court, and even her ambition, will all serve to guarantee to us a perpetual enjoyment of safety and peace.

Alas! my Lord, the destruction of Britain is sealed. Prepare yourself for a block on Tower-Hill. There is still virtue enough, I hope, in Britain to demand a few facrifices for their waste of blood and treasure.

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and I still think so favourably of some of the regiments now in America, as to believe that they will contend with each other who shall do duty on the day of your execution. They were unacquainted with disgrace and infamy until your Lordship directed their arms, against the liberties of America.

I leave your Lordship with your prayer book and chaplain, while I address a few words to you. my beloved fellow-citizens and brother freemen of Americal-See at last your labours are nearly ended; the monster tyranny has received a deadly blow. One more campaign will destroy him, provided you exert yourselves properly. View the peace and liberty, the transporting liberty Trample under that are before you. your feet the base and insulting offers of both, that have been made to you by the parliament of Britain. Consider the dignity you have acquired by becoming members of free and independent States. The diftreffes of the war, and the infancy of your governments have prevented your enjoying many of those bleffings of freedom which will necessarily fellow a state of peace. But remember that the bleffings of freedom and a flate of peace can only be obtained and fecured by the union and metpendence of our American States.

From the Same.

It must afford the most heart-selt pleasure and satisfaction to every friend of America, and real lever of liberty in general, to observe by what a fortunate train of incidents this country is in so short a time arrived at an almost absolute certainty of Freedom and Independence.

When we look abroad and see by what flow and painful fleps, marked with blood and ills of every kind; the other Free States of the world have advanced to Liberty and Independence, we cannot but admire and

praise that all-gracious Providence, which by its unerring ways, hath, with so small fusserings on our part, led us to this happy stage, in our progress towards those great and important objects.

Forced by the arbitrary and cruel measures of the British Ministry, into a just and necessary defence of our invaluable rights and privileges, we have already made considerable progress in the art of war; our citizens are become soldiers, our regular tmoops and militia formidable in the cyes of our enemies, and American in general, forgetting the habits of peace and ease, hath put on a martial appearance; which sufficiently discovers hardestermination to maintain at every hamaed, the cause she has espoused.

Whils we are cultivating the trickest economy, Britain is rioting in :cutravagance.-Industry, fimplicity of manners, and an enthusiastic loss of liberty, are the characteriffics of : Americans .- The inhabitants of Britain are as remarkable for the oppolice qualities of diffipation and exces, for a fantaftic turn in drefa and manners, and a general and therefore incurable corruption. If any judgment may be formed from such ftrong symptomatical appearances, that island is falling fast from the Zenith print of its glory and national fame; which, in my opinion, it had arrived at about the time of the concintion of the hill war.

In the present state, therefore of these two countries, connection on any terms short of independence, is an idea too replete with folly to expect. A peace of that kind would be productive of another war, and we should only have to fight our battles over again. A sound and a munified part of the human body can as well agree and consist with each other, as Bistain and America, strasted as they are at present. Can any man be at a loss to form a judgment of the views of the former.

mer, when he fees such dreadful examples of cruelty and oppression exercised by their agents under the fanction of their authority, in Ireland, in the East-Indies, and to come nigher home, in Canada. Neither fair words nor promifes, backed by the most solemn parks, can destroy the suspicion I shall ever entertains of the faith of a nation whose conduct hath been to flagrantly wicked.

Thousands in America can testify the deplorable state of the bulk of the people in Ireland. They have not only hean witnesses of the wretched fituation of the people there, but having themselves experienced the intolerable fervitude in which they live, fled to these shores in search of the happiness which freedom only can

give.

In the East the unparalleled cruelties and oppressions of the emigrants from Britain, bring to my mind those of Alexander the Great, (whom to this, day they call the great robber, and whom they feem to have, if posfible, out-rivaled) and those which the Spaniards committed when they

conquered Mexico.

In Canada the people are the flaves of flaves-Bridled and faddled like horses and asses, they are, like them, obedient to their makers' will. Such are the striking instances of what these men have done when unrefrained; and why should we expect more favourable treatment from them, should we put ourselves again under their government?—Could we rely on their faith to keep any terms of dependence, we should enter into with them? Surely not.—The only fecurity we have are the arms in our hands, which they with to deprive us of, in order the more effectually to lubdue us.

I am credibly informed, the Commissioners from the Court of Great Britain are arrived at Philadelphia.... For my own part I shall suspect every , thing which comes from so corrupt a

fource as the British Court-I expect nothing beaeficial from any negociation they may enter into with Con-If it turns out otherwise, I grais. shall rejoice with my country in the advantages she may derive from it-I wish for peace on terms of freedom and independence for this country, as much as any man; but on no conditions faort of these.

To the AMERICANS. (From the Maryland Gazette.)

Generous minds contemplate with pleafure the increasing happiness of human fooiery ; therefore must feel peculiar delight in beholding the rising glory of the United States. Here, it is probable, ference and virtue will attain their highest perfection: seciety shine in the most beautiful and lovely forms, and produce the highest felicity. As wiffue alone can enfure real happiness and folid glory, this mask be a prevailing principle before feciety can attain them. The history of mankind testifies, through all ages and periods, the infeparable connection between virtue and happiness. In proportion to its prevalence or decline, hath been the prosperity of every state and nation. This subject therefore demands our attention; whether we extend our views to another life or not, as it is of vast importance to the general welfare, as citizens of this world.

America feems to be destined by the Almighty for the free and quiet habitations of millions in future time; and a land for the oppressed to flee to and be happy. Innumerable apparent causes (and doubtless innumerable which are unfeen) are at work to hasten great events; and every day feems pregnant with fomething new and important, As in time past, so in time to come, it is probable the American States will make swifter progress in their advances to majurity, than any which have heretofore existed. Hitherto

Y y 2

their

their growth has aftonished their enemies, and hath surpassed the sanguine predictions even of their enthunastic friends. Their advances continue with an increasing rapidity, and, according to the course of human affairs, they will foon be the subject of admiration and applettle among the nations of the world. Fortunately placed in the centre, but not too near the other nations, their intercourse will be carried on with more advantage to their interest, and less danger to the moral and political principles established in this country. Possessed of a continent so rich and extensive, that the enterprizing genius of Europe hath not been able to explore its boundaries, nor fathom the depth of its fertility, nor penetrate the treasures in its exhaustless mines. Every circumstance favourable to mankind, concurs to facilitate the independence, the splendor and felicity of the American nation. Here the human mind, unfettered with grey-headed errors, which popes and priests have stamped with infallibility, and unawed-by the maxims or laws of tyrants, will expand with new wings, and gathering firength with its flight, will feel its native force, and reach the fummit of human perfection.—The political wifdom, the martial spirit, and the enterprizing genius of Americans, are completions, and acknowledged even by their enemies. ...

To the PEOPLE of AMERICA. Own

(By the Author of Common Sense.)

As the country appears greatly amused with expectations of the enemy quitting Philadelphia, and left that amusement should lull us into some unlooked for misfortune, I take to the liberty, through the channels of the several newspapers, to point out the grounds upon which the politics of the enemy may, I think, be understood, or at least ought to be considered.

Whether they will quit Philadelphia or not is a question, which neither we, nor the General who commands there, can determine. He acts by orders from England, and we can judge only by appearances. He may expect to receive such and may, nevertheless, receive orders to the contrary.

"The flate of Kuropean affairs, after the treaty with France was figned, rendered a war between France and England probable; and under that expectation, the Commander of the British troops would confequently pack up, and hold himself in readiness to obey any orders he might receive, upon a supposition that such orders would be fudden and peremptory. He must know that Philadelphia is no station for him, in case of an European war. He cannot help feeing that he is subject to an attack from France and America unitedly, and that the army he commands will be wanted elsewhere. Should fach an event take place, he will move inflantly, and therefore will, in the interim, always hold himfelf in readiness to move. And this, I presume, accounts for his preparations; which rather indicates his apprehensions than his intentions.

As I would not be mifunderstood by using an undefined nicety of expression, I choose therefore to say, that we have a set of as vile and treat cherous characters to deal with, as were ever permitted to work out their own destruction; or suffered to live as a sourge to mankind. I mean,

nifiers. As there is no all of baseness they would not commit, so there is no meanness they will not submit to. They would, I believe faster themselves to be kicked by every power in Europe, if by that submitsion they could go on unnotested with their schemes against America. Here they have fixed their object, and their their eyes and ears are shut against

every other.

There is one and only one way, by which they may creditably avoid a tupture with France, and likewise put themselves in a condition of making peace with America; and which if they omit doing, we may be fure there is mischief lurking behind, VIZ. to acknowledge, on their part, the independence of America: because fuch an acknowledgment admits France to the undisturbed enjoyment of her treaty with us, as a matter of right, and confequently no quarrel can take place on the part of Britain. In this case, the capture of French vessels will be confined to those laden with military flores and cloathing made up, which likewife, according to the custom of nations, is not a lewal cause for a declaration of war on she part of France,

Should this be their conduct, they will keep clear of a war with France, and confequently their apprehensions of immediate danger from their situation in Philadelphia will subside; after which, they will think themselves at liberty to hold or evacuate it as future occasions may arise. They know that their strongest sortification is their being mixed among the inhabitants, who must be exposed to the same mischief with themselves

by an attack.

But if they do not accede to the independence of America, and yet avoid a rupture with Franca, we may justly attribute fuch conduct to a mixture of secret villainy and public meanness, and may likewise be sure they have no intentions of quitting Philadelphia, and will have none, unless forced to it; and every expectation of their voluntarily doing it, tends only to lull us into a state of throwsness and danger. I have here stated three cases, which are all that can happen:

First. A war with France.

Secondly. An acknowledgment of

our independence, on the part of Britain, by which fuch a war may be creditably avoided. And,

Thirdly. Her fabriished to every indignity which France has or may show, by which submission a war

may be meanly avoided.

The first leads to an immediate evacuation of Philadelphia, and perhaps New-York. The second and third do not. And though I may possibly be wrong in my conjecture, yet I think it more than probable that the last of the three will be the Ministry's line of conduct. The character of the men favours this sup-

position.

But taking either of the two last to happen, we shall be exposed to confequences that we ought immediately to prepare against. The apparent probability of a war with France has given the British King and Ministry new and popular pretensions for raising more troops, which they may yet employ against us, if they can any ways avoid employing them against France; while we, amused with delusive appearances, may be most unwarily taken in.

This is not a time to trifle, neither are these trisling matters. undertake to say what will happen, I only flate what may happen; and as one of these three must happen, it is our part to be guarded against all. Not a man now ought to be absent from his proper post; and I submit it to the judgment of every State, whether the present time is not as politically critical, and may, by remishes, be as diffreffing as any which has yet happened. A reinforcement of 800 men has very lately arrived at New-York, which does not look much like an evacuation. They are yet tampering with the Indians. burning Colonel Kirkbride's and Mr. Borden's is but a recent affair, fince which they have burnt a confiderable number of houses inthe State of Rhode-Island, and all these at the

time they are pretending to negociate. If any thing can determine what confirmed vilkiny is, it must be conduct like this.

On our part we cannot be wrong, but by mistake or delusion. A fairer prospect we need not wish for, if we do but improve it. We have at prefent steered with safety through a rough sea, and are bringing the ship into port, let us take care she is nor ship-wrecked in the harbour.

The danger arising to Britain by the mean policy which I suppose she will adopt is, that by sending her forces to America, and falling at the same time in, making fair weather with France, she will expose herself to be conquered at home, while she aims at conquered abroad. But as there is no act of absurdity she is not capable of committing, we should, therefore, not depend on the wise things she eaght to do, but prepare against the mad things she will most probably do.

York-town, Common-Sense.

June 10, 1778.

In Congress, June 8, 1778. Whereas the exportation of provifions from these States hath occasioned much difficulty in procuring supplies for our armies, and, by the capture of vessels concerned in such exportation, the armies of the enemy have been freed from distresses, that would have greatly embarrassed their operations: and whereas, for the easy supply of our armies, and to embarrais and distress the enemy the enfuing campaign, it is absolutely necessary an embargo should be immediately laid, to prohibit fuch exportations: and as, from the distance of the States from Congress, and the different periods of affembling their. Legislatures, the good end of such embargo would be wholly fruitrated, thould Corgress not proceed to impole the embargo: therefore,

Resolved. That an embargo be.

and it hereby is laid, to prohibit the exportation of wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live flock, and other provisions, from any of these United States, from and after the tenth day of June instant, until the fisteenth day of November next, unless sooner revoked by Congress. Provided, that this embargo shall not be construed to prevent the taking on board such provision, as shall be necessary for the stores only of any ships or vessels of war, or others trading to and from these States.

Refolved, That it be earneffly recommended to the respective States to take the most effectual measures for carrying the foregoing resolution into immediate execution.

June 9 Whereas doubts have arisen, as to the sum which shall be paid for the rations, which now may be due and owing to officers in the service of these States, and also as to the wouchers for drawing the same; by reason whereof the intentions of Congress, with respect to such officers, are frustrated:

Resolved, That the value of the rations due since the first day of last January till the first instant be estimated at one third of a dollar, and that the officers do present their accounts to the Pay-master General or Deputy Pay-master General, who shall adjust and pay the same. vided always, That the faid officers shall make oath to their accounts respectively, which oaths the said Paymasters are hereby empowered and directed to administer, and transmit faid accounts, with receipts thereon, to the Treasury.

Extract from the Minutes, Charles Thomson, Sec.

Lancaster, May 27. On Sunday last the remains of his Excellency Thomas Wharton, junior, Esquire, President of the Supreme Executive Council of the Commonwealth of Pennsylvania,

Pennfylvania, Captain-general and Commander in Chief in and over the fame, were interred in the Evangelical Trinity Church, in this borough (the Elders and Vestry of that church having politely requested that the body might there be interred.)

The corpse being brought out and placed on the bier, a signal was given, and the artillery on the Common began to fire minute guns, which was continued during the procession, forty-four guns being fired—The bier being taken up, the procession moved forward in the following order, viz.

Two Serjeants with arms reversed. Lieutenant and Ensign.

Band of musics
Fifes and drums.
Soldiers—in four divisions, ten deep,
arms reversed.

Captain of the Company.
 The CORPSE covered with a pall—the pall supported by fix members of the Council.

His Excellency's brother.

The Honourable the Vice-prefident, attended by his Secretary on his left hand.

The remaining members of Council. The State Treasurer and Judges of the Supreme Court.

Such of the Delegates of the State, in Congress, as were in the borough.

The Honourable Speaker of the House of General Assembly—the Clerk of the House on his left hand.

Members of the House of General Assembly.

Door-keeper of the Council and of the House of Affembly.

Corporation of the borough, and Magistrates of the county.

Coroner and Prothonetary of the county.

Gentlemen of the law.
Officers of the army and navy.
Citizens.

When the grave was closed, three

vollies were fired, and the miferry retired. The whole was conducted with a folemn decorum, becoming the occasion.

The attention paid by Colonel George Gibson, Lieutenant-colonel Stephen Bayard, and Lieutenant-colonel James Ross, and Captains Brown and Huston, in conducting the military, on the occasion of his Excellency's funeral, did them honour; and the gentlemen of the borough, in their military character, made a very handsome appearance.

It is faid, that a funeral oration, in honour of our worthy and much lamented President, will be ordered to be delivered some time during the next sitting of General Assembly.

The affection which the House of Assembly had for his Excellency, would not permit his body to be carried by persons hired for that purpose: twelve members of the House bore his remains to the grave.

Charles-Town (South-Carolina)
April 30.

West-Florida Natches district, to wit. Whereas on Thursday evening the 19th instant, Captain James Willing, in the service of the United States of North America, arrived with a detachment of men under his command at the Natches Landing, and the next morning early fent out fundry parties, who almost at one and the fame time made the inhabitants prifoners of war on their parole; and having hoisted the colours of the United States of America, and taken possession of the country in their name, the inhabitants in their diftreffed and unprotected state, fearing the confifcation of their property, though it necessary to wait on the said Captain Willing, to propose terms of accommodation, which he readily agreed to. The faid inhabitants unanimously delegated the four following gentlemen to treat for them, and make the best terms they possibly coulc.

could, viz. William Hiorn, Efq. Unarles Percy. Efg. S. Wells, planter, and Major Luke Collins.

And as we the delegates have obtained leave from the people, to call in any person to our assistance we may think proper, we have defired the following gentlemen, Isaac Johnson, Esq. Richard Ellis, Esq. and Joseph Thompson, planter.

We the delegates of the people, and our affociates, do propose the following terms to Captain John

Willing:

1st. That we will not in any wife take up arms against the United States of America, avail, abet, or in any wife give affiftance to the enemies of the faid States. Agreed.

2d. That our persons, slaves, and other property, of what kind foever, shall remain safe and unmolested during our neutrality. Agreed.

ad. That a list of the names of the flaves of the inhabitants shall upon

honour be given in. Agreed.
4th. That Captain Willing, shall agree to fend a flag of truce to the Choctaw Indians, to give out a great talk, with a belt, to prevent the Indians falling on this defenceless di-Agreed. ftrict.

5th. That Captain Willing, having in his custody as a prisoner, one Robert Welch, in whose possession was found an order from Farquhar Bethune, Esq. Commissary for the Choctaw nation, to obstruct, harrass, diffress and oppose any party of Americans coming down the river: and it appearing to the inhabitants of this district, that the life of the said Robert Welch was in danger, they petitioned the faid Captain Willing in his behalf, who immediately set him at liberty, and shall engage to send him with a flag into the Choctaw nation, he having great interest with them, to incline them to peace. Agreed.

6th. That the delegates and their

affociates shall have leave to send a copy of these articles to Governor Chester, at Pensacola, accompanied with a letter requesting his Excellency will take fuch steps as shall prevent the Indians from falling on the inhabitants. Agreed.

7th. That the delegates and their affociates do agree, in and on the behalf of the people, to take the following oath: " That they will not take up arms, or otherwise act to the prejudice of the United States of America, nor will by any means aid, assist, abet, furnish with arms or ammunition, the enemies of the faid States; neither will they furnish the favages with warlike stores against the faid States, nor in word or deed, except in the foregoing article, treat with their enemies, but observe a frict neutrality." Agreed.

8th. That the delegates shall appoint of their own body to accompany Captain Willing to New Orleans.

Agreed.

West-Florida, Natchet district. Signed this zift day of February, 1778.

Delegates.

WM. HIORN, CHARLES PERCY. S. WELLS, LUKE COLLINS. Associates.

ISAAC JOHNSTON, JOS. THOMPSON. RICHARD ELLIS.

Agreed to in the fullest extent, in behalf of the United States of America; all public officers of the Crown of Great-Britain who have property Those who in this district excepted. have held commissions, and have signed the oath of neutrality, come within the above article.

JAMES WILLING, Captain in the service of the United States of America.

N. B. The property of all British, who are not residenters in this district. alfo excepted, they being enemies of the faid States.

JAMES WELLING. Trenton, Trenton, Jane 17: On Saturday last the enemy in Philadelphia burnt all the vessels on the stocks. The whole militia of this State are in readiness to march at a moment's warn-

ing

By a gentleman in the army we are informed, "that the State of Virginia has, in pursuance of a recommendation of Congress, passed a general Act of pardon and indemnity, in favour of her subjects who have been deluded to take a part with the enemy. This instance of moderation and the Christian temper and magnanimity it displays, must reflect the highest honour on that State, so long as those qualities shall be admired and respected in the world."

Poughkeepsie, June 8. Last week came to town a gentleman from Tryon county, who brings advices, that some Indians in those parts, under, or instigated by Butler, had discovered signs of hostile intentions against our back settlements, and had cut off twenty samilies in Cherry Valley.—However, the militia there will be sufficient to septl any attack

in future.

Fishkill, June 11. Extrait of a letter from Albany, June 8, 1778.

dwelling houses, besides barns, &c. and those unhappy Americans who have fell into their hands have been most inhumanly butchered. But there is reason to suppose they have gone off, hearing that our people are gathering fast.

Another party of Indians and shall be expressed in all receipts so taken, attested and exhibited, and at Sacondago, a place about ten miles for the same shall be his sufficient voucher from Johnstown, where they have taken for the payment of so much out of

two or three priloners."

On last Saturday, some companies of the militia, in Wilter county, marched to a place near the Minifink, where the Indians and Tories have destroyed some houses.

Vol. VI.

State of New-Jerfey.
An Alt for granting a bounty upon
wool, flax and bemp, raifed and
fold within the State of NewJerfey.

Jersey.

Whereas increasing the quantity of wool; flax and hemp, in this State, may be of fingular advantage to the

inhabitants thereof:

Sect. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the publication of this Act, any person raising and selling, within this State, either wool, flax or hemp, shall be entitled to receive from the public, as a bounty on the same, the fum of one shilling per pound for good merchantable sheep's wool, ninepence per pound for good clean welldreffed flax, and four-pence per pound for like hemp, fo raifed and fold by any person residing within this State, to any inhabitant of the same; which bounty shall be paid to any person who shall raise and sell any of the aforefaid articles over and above the quantity sufficient for his or her family's use, upon his or her producing a receipt for the fame from the purchaser, specifying the seller's name, the exact weight of the article fold, with the time and place of fale; the truth of which receipt shall be attested on oath or affirmation before any Justice of the peace of the county in which he resides, and, being exhibited to the Treasurer of the State. he is hereby authorifed and directed' to pay all such sums of money as shall be expressed in all receipts so taken, attested and exhibited, and the same shall be his sufficient voucher the State Treasury.

the authority aforefaid. That this Act shall continue and be in force for two years after the publication hereof, and from thence to the end of Z 2

the next fitting of General Assembly, and no longer.

Passed at Princeton, April 14, 1778.

A true copy,

John Hart, Speaker.

Boston, June 17. On Wednesday was shot by a sentinel of the guards at Prospect-hill, Lieutenant Brown, of the 21st regiment, British. was riding in a chaife between two women of (easy) virtue, belonging to this town, and it being contrary to general orders that women should pass the lines, it was therefore the fentry's duty to stop him. The unfortunate officer treated the fentry with contempt, infifted on passing, without giving any reason for so doing; upon which the fentry, after repeated orders to the officer to stop, shot him through the head.

"Fools die for want of wisdom."
The prisoners who were near, seized the sentry, and dragged him by the heels up the hill, which tore his face considerably, and otherwise much abused him, before he was re-

leased by the picquet.

The Adjutant of the fame regiment, on hearing the affair, and being on horse-back, set off suriously, and just before he got to the place, his horse stumbling, pitched him off, and broke his collar bone.

The following is a copy of a letter fent from Major-general PHILLIPS to

Major-general HEATH:

Cambridge, June 17, 1778.

"Murder and death, at length has taken place. An officer riding out from the barracks on Prospect-hill, has been shot by an American sentinel. I leave the horrors incident to that bloody disposition, which has joined itself to rebellion, in these Colonies, to the feelings of all Europe. I do not ask for justice, for I believe every principle of it is sted from this province.

I demand liberty, to fend an officer to General Sir Henry Clinton,

by way of the head-quarters of General Washington, with my report of this murder.

WILLIAM PHILLIPS, Major-gen.

Major-general Heath.

In consequence of the above insolent, ungentleman-like letter, the General lay under an obligation to confine him to his house and garden. The following westell ware lying in

The following weffels were lying in Boston harbour, the 17th of June,

1778.

The Warren, Hopkins, 32 guns. The Raleigh, Thompson, 32 ditto. The Deane, Samuel Nicholfon, 32 ditto. The La Brune, French Indiaman, 22 ditto. The Cumberland, The Tyrannicide, Hard-20 ditto. ing, 14 ditto. The Independence, 14 ditto. The Hazard, Sampson, 20 ditto. Hancock, olim the Weymouth packet, 20 ditto. The Speedwell, 10 ditto. The Admiral Keppel, a prize from Bristol, 16 ditto. The Cyrus, from ditto, 14 ditto. The Live Oak, Forten, from Bristol, with contributions from the Quakers, to their brethren in Philadelphia. The Lovely Lafs, Wade, from Lon-The Henrietta. don for New-York. The Swift, from Bristol, with flour, for New-York. The St. Helens. The Peggy. The Louisiana. A French and a Spanish brig. The following are cruizing off Martha Vineyard: the ship Mars, Truxton, of 24 guns. The General Arnold, Magee, of 20 guns. The Revenge, Burr, of 12 guns. (Copy.)

Paris, May 18, 1778.

"Certain intelligence having been received that 11 British ships of war, viz. one of 90 guns, nine of 74, and one of 64 guns, are in the road of St. Helen's, near Portsmouth, bound for North-America; and the United States being in alliance with France, you are requested as speedily as possible to convey this information to the Commanders of any French steet, or ships

ships of war in America, by sending them this letter, and also to publish the contents of it in all the Continental news-papers. We have the honour to be, Gentlemen,

Your most obedient humble servants,

B. FRANKLIN. JOHN ADAMS.

A true copy, attest John Avery, Dep. Sec. for the State of Massachufets-Bay.

Extract of a letter from Paris, July 9. "An express is arrived from Congress, by way of Brest, with the unanimous ratification of the treaties. The ship left New-London on the 12th of June. All was joy and gladness throughout America. Both army and people were in raptures with the treaties. The army had unanimously, in the most particular manner, testified their strong and warm approba-The Congress, tion of the treaties. the army, and people of America, are thoroughly united. General Washington's army was so strongly reinforced, that he had ordered the Northern troops coming to join him, to affemble near King's-bridge. All the American troops were better provided with necessaries, and arms of every kind, and were better disciplined, than ever they had been before. A French man of war, the Hippotame, of 64 brass guns, arrived in Chesapeak Bay, and thereupon the English frigates retired from thence. She landed on the Maryland fide, a large fupply of small The Beauarms, blankets, &c. mont, another French man of war, of 44 guns, with falt, cordage, failcloth, &c. got fafe to New-London, All things were preparing to make a vigorous effort to drive the English totally off the Continent."

Williamsburgh, May 31. A French 60 gun ship is arrived with stores and cloathing at Portsmouth. The State hath purchased the whole cargo, amounting to one liundred and thirty-five thousand pounds sterling.

London Gazette Extraordinary. Whiteball, August 24, 1778.

The following letter from Lieutenant-general Sir Henry Clinton. Knight of the Bath, to Lord George Germain, one of his Majesty's principal Secretaries of State, was received on Saturday night by Colonel Patterson, who arrived in the Grantham packet, from New-York,

New-York, July 5, 1778.

My Lord,

I have the honour to inform your Lordship, that, pursuant to his Majesty's instructions, I evacuated Philadelphia on the 18th of June, at three o'clock in the morning, and proceeded to Gloucester Point without being followed by the enemy. Every thing being from thence pasted in safety across the Delaware, through the excellent disposition made by the Admiral to fecure our passage, the army marched at ten o'clock, and reached Haddonfield the same day. A strong corps of the enemy having, upon our approach, abandoned the difficult pass of Mount Holly, the army proceeded without any interruption from them, excepting what was occasioned by their having destroyed every bridge on our road. As the country is much interfected with marshy rivulets, the obstructions we met with were frequent, and the excessive heat of the season rendered the labour of repairing the bridges severely felt.

The advanced parties of our light troops arriving unexpectedly at Cross-wicks on the 23d, after a trisling skirmish, prevented the enemy from destroying the bridge over a large creek at that village, and the army passed it the next morning. One solumn, under the command of his Excellency Lieutenant-general Knyphausen, halted near Amely's-town; and as the provision train and heavy artillery were stationed in that division, the other column under Lieutenant-general Earl Cornwallis, took

Z 2 2 a position

a position at Allen's-town, which covered the other encampment. the baggage of the whole army under the charge of his division, con-

Thus far, my Lord, my march pointed equally towards the Hudfon's River and Staten-Island by the Rariton. I was now at the juncture, when it was necessary to decide ultimately what course to pursue. Encumbered as I was by an enormous provision train, &c. to which impediment the probability of obstruction and length of my march obliged me to submit, I was led to wish for a route less liable to obstacles than those above-mentioned.

I had received intelligence that Generals Washington and Lee had passed the Delaware with their army, had affembled a numerous militia from all the neighbouring provinces. and that Gates, with an army from the northward, was advancing to join them on the Rariton. As I could not hope that, after having always hitherto so studiously avoided a general action, General Washington would now give into it against every dictate of policy; I could only suppose that his views were directed against my baggage, &c. in which part I was indeed vulnerable. This circumstance alone would have tempted me to avoid the difficult passage of the Rariton; but when I reflected that from Sandy-hook I should be able, with more expedition, to carry his Majetty's further orders into execution, I did not hesitate to order the army into the road which leads through Freehold to the Navefink. The approach of the enemy's army being indicated by the frequent appearance of their light troops on our rear, I requested his Excellency Lieutenant-general Knyphausen to take

the baggage of the whole army under the charge of his division, consisting of the troops mentioned in the margin. Under the head of baggage was comprized, not only all the wheel-carriages of every department, but also the bat-horse; a train which, as the country admitted but of one route for carriages, extended near 12 miles. The indispensible necosisity I was under of securing these is obvious; and the difficulty of doing it, in a most woody country, against an army far superior in numbers, will, I trust, be no less so.

. I defired Lieutenant-general Knyphausen to move at day-break on the 28th; and, that I might not press upon him in the first part of the march, in which we had but one route, I did not follow with the other division + till near eight o'clock. Soon after I had marched, reconnoitring parties of the enemy appear-The Queen's ed on our left flank. rangers fell in with and dispersed fome detachments among the woods in the same quarter. Our rear guard having descended from the heights above Freehold into a plain near three miles in length, and about one mile in breadth, feveral columns of the enemy appeared likewise descending into the plain, and about ten o'clock they began to cannonade our rear. Intelligence was at this infant brought me, that the enemy were discovered marching in force on both our flanks. I was convinced that our baggage was their object; but it being at this juncture engaged in defiles, which continued for some miles, no means occurred of parrying the blow, but attacking the corps which harraffed our rear, and pref-

17th Light dragoons. 2d Battlion light infantry. Hessian yagers. 1st and 2d brigades British. Stern's and Loo's brigades of Hessians. Pena-sylvania loyalists. West Jersey volunteers. Maryland loyalists.

^{† 16}th Light dragoons. 1st Battalion British grenadiers. 2d Ditto.
1st Battalion of light infantry. Hessian grenadiers. Guards. 3d, 4th, 5th
Brigades British.

fing it so hard, as to oblige the detachments to return from our flanks to its affiftance.

I had good information that General Washington was up with his whole army, estimated at about 20,000; but as I knew there were two desiles between him and the corps at which I meant to strike, I judged that he could not have passed them with a greater force than what Lord Corwallie's division was well able to engage; and had I even met his whole army in the passage of those desiles, I had little to apprehend, but his situation might have been critical.

The enemy's cavalry, commanded, it is faid, by M. La Fayette, having approached within our reach, they were charged with great spirit by the Queen's light dragoons. They did not wait the shock, but fell back in confusion upon their own infantry.

Thinking it possible that the event might draw to a general action, I fent for a brigade of British, and the 17th light dragoons, from Lieutenant-general Knyphausen's division; and having directed them on their arrival to take a position effectually covering our right flank, of which I was most jealous, I made a disposition of attack in the plain; but before I could advance, the enemy fell back, and took a strong position on the heighths above Freehold Courthouse. The heat of the weather was intense, and our men already suffered feverely from fatigue; but our circumitances obliged us to make a vigorous exertion. The British grenadiers, with their left to the village of Freehold, and the guards on the right of the grenadiers, began the attack with fuch spirit, that the enemy gave way immediately. The fecond line of the enemy flood the attack with greater obstinacy, but were likewise completely routed. They then took a third position, with a marshy hollow in front, over which it would have been scarcely possible to have attacked them. However, part of the second line made a movement to the front, occupied some ground on the enemy's left slank, and the light infantry and Queen's rangers turned their left.

By this time our men were so everpowered with satigue, that I could press the affair no sarther, especially as I was consident the end was gained for which the attack had been made.

I ordered the light infantry to rejoin me; but a firong detachment of the enemy having possessed themselves of a post, which would have annoyed them in their retreat, the 33d regiment made a movement towards the enemy, which, with a similar one made by the 1st grenadiers, immediately dispersed them.

I took the position from whence the enemy had first been driven, after they had quitted the plain, and having reposed the troops till ten at night, to avoid the excessive heat of the day, I took advantage of the moon-light to rejoin Lieutenant-general Knyphausen, who had advanced to Nut Swamp, near Middletown.

Our baggage had been attempted by some of the enemy's light troops, who were repulsed by the good disposition made by Lieutenant-general Knyphausen and Major-general Grant, and the good countenance of the 40th regiment, whose picquets alone were attacked, and one troop of the 17th light dragoons. The two corps which had marched against it (being, as I have since learned, a brigade on each slank) were recalled, as I had suspected, at the beginning of the action.

It would be sufficient honour to the troops barely to say, that they had forced a corps, as I am informed, of near 12,000 men, from two strong positions; but it will, I doubt not, be considered as doubly creditable, when I mention, that they did it under such disadvantages of heat and fatigue, fatigue, that a great part of those we lost fell dead as they advanced, without a wound.

Fearing that my first order had miscarried, before I quitted this ground, I fent a fecond, for a brigade of infantry, the 17th light dragoons, and 2d battalion of light infantry, to meet me on the march, with which additional force, had General Washington shewn himself the next day, I was determined to attack him; but there not being the least appearance of an enemy, I suspected he might have pushed a considerable corps to a strong position near Middletown; I therefore left the rear guard on its march, and detached Majorgeneral Grant to take post there, which was effected on the 29th. The whole army marched to this position the next day, and then fell back to another near Navefink, where I waited two days, in the hope that Mr. Washington might have been tempted to advance to the position near Middletown, which we had quitted; in which case I might have attacked them with advantage.

During this time the fick and wounded were embarked, and preparations made for passing to Sandyhook island by a bridge, which by the extraordinary efforts of the navy was soon compleated, and over which the whole army passed in about two hours time; the horses and cattle having been previously transported.

Your Lordship will receive herewith a return of the killed, wounded, missing, &c. of his Majesty's troops on the 28th of last month. That of the enemy is supposed to have been more considerable, especially in killed.

The loss of Lieutenant-colonel Monckton, who commanded the 2d battalion of grenadiers, is much to be lamented.

I am much indebted to Lord Cornwallis for his zealous services on every occasion; and I found great support from the activity of Major-general Grey, Brigadier-generals Mathew, Leslie, and Sir William Erskine.

I beg leave to refer your Lordship for any other particulars, which you may wish to be informed of, to Colonel Patterson, who will have the honour of delivering these dispatches, and whose services in this country entitle him to every mark of your Lordship's favour.

> I have the honour to be, &c. H. Clinton.

Return of the killed, wounded, miffing, &c. of the troops under she command of General Sir Hunny Clinton, in an engagement with the rebel army, on the heighths of Freehold, county of Monmouth, Newfersey, the 18th of June, 1778.

TOTAL BRITISH.

I Lieutenant-colonel, I Captain, 2 Lieutenants, 4 Serjeants, 56 rank and file, killed; 3 Serjeants, 45 rank and file, died with fatigue; I Colonel, 1 Lieutenant-colonel, 1 Major, 7 Captains, 5 Lieutenants, 7 Serjeants, 137 rank and file, wounded; 3 Serjeants, 61 rank and file, miffing.

TOTAL GERMAN.
I rank and file killed; II rank
and file died with fatigue; II rank
and file wounded.

GENERAL TOTAL.

Lieutenant-colonel, 1 Captain, 2 Lieutenants, 4 Serjeants, 57 rank and file, killed; 3 Serjeants, 56 rank and file, died with fatigue; 4 Colonel, 1 Lieutenant-colonel, 1 Major, 8 Captains, 5 Lieutenants, 7 Serjeants, 147 rank and file, wounded; 3 Serjeants, 61 rank and file, missing.

Names and rank of the Officers returned killed and wounded, on the 28th of June, 1778.

Royal Artillery. Lieut. Vaughan killed.

1st Grenadiers. Captain Gore, of the 5th company, killed.

2d ditto. Lieutenant-colonel Hon. H. Monckton, of the 45th company, (commanding (commanding the battalion) Lieutenant Kennedy, of the 44th company, killed.

of the 15th company, Captain Brereton, of the 17th company, Captain Brereton, of the 17th company, Captain Wills, of the 23d company, wounded.

ad ditto. Major Gardner, of the 10th company, Captain Leighton, of the 46th company, Captain Powell, of the 52d company, Lieutenant Gilchrist, of the 42d company, Lieutenant Kelly, of the 44th company, Lieutenant Paumier, of the 46th company, Lieutenant Grosse, of the 52d company, Wounded.

Foot Guards. Colonel Trelawney,

Captain Bellew, wounded.

15th Regiment. Captain Ditmas (attached to the 2d grenadiers) wounded.

Marines. Lieutenant Desborough (attached to the 2d grenadiers) wounded.

Queen's American Rangers. Lieutenant-colonel Simcot wounded.

H. CLINTON.

Admiralty-Office, August 24, 1778. Captain Bull, of the Grantham packet-boat, arrived at this office on Saturday evening from New-York, with letters from the Vice-admiral Lord Viscount Howe, Commander in Chief of his Majesty's ships in North-America, to Mr. Stephens, dated the 6th and 11th of July, 1778, of which the following are extracts:

Eagle, off States-Island, July 6, 1778. From my letters by the Porcupine, of which duplicates are forwarded herewith, the Lords Commissioners of the Admiralty will be informed of the motions of the army, whereby my proceedings with the fleet have been chiefly influenced, to the 19th pass.

Having been retarded on the paffage down the Delaware, after the town of Philadelphia was evacuated, by almost continued calms, I was not able to quir that river until the 28th in the evening, but anchored off Sandy-hook (followed by the transports) the next day.

The army arrived on the Jersey shore, adjacent to the heighths of Neversunk, the succeeding morning: no considerable attempt to interrupt the march having been made until the 28th, an attack appearing (as I understand) to have been then meditated in force on the rear guard, where the Commander in Chief was present, the rebels were charged with great vigour, and beat off with confiderable loss.

The enemy defifting from every purpose of further obstruction to the movement of the King's forces; and the artillery, baggage, and part of the troops taken off as the weather would permit, in the mean time: the rest of the army passed, on the 5th instant, over a bridge formed with the slat boats, across the channel, which had been made by the sea last winter, and separated the peninsula of Sandy-hook from the main. They were afterwards carried up to New-York.

On the 29th of last month I was joined, on my passage to this port, by the Grantham packet; the Commander of which was charged with your dispatches of the 3d of May. My best endeavours will be exerted to promote the benefit of the King's service at this conjuncture. I am getting (with the voluntary assistance of the transports men) the ships named in the margin, ready for sea, with all expedition, to act in sature, regarding the object of Vice-admiral

4th. Preton, Experiment, Ifis.

th. Phoenix, Rochuck, Pearl, Venus, Richmond.

6th. Vigilant,

Byron's

^{* 3}d Rate. Eagle, Trident, St. Alban's, Somerset, Ardent, Nonfuch.

Byron's appointment, as circumstances

may require.

Rear-admiral Gambier will remain here under orders, to regulate the duties of the port, and to co-operate with the General in such measures as he may see proper to adopt in my absence, for the advantage of the King's service in this department.

Eagle, at Sandy-book, July 11, 1778. The day after the date of my letter of the 6th instant, sent by this conveyance, I received advice, forwarded from the cruizers stationed to the Southward, that the Toulon squadron arrived on the coast of Virginia the 5th instant, appearing by its motions then, and upon the 6th, to be defigned for Chefepeak Bay. The French ships, were, however, attended by the Maidstone on their course to the northward; and in the morning of the 8th, they anchored at the entrance of the Delaware.

Instructions were dispatched for Vice-admiral Byron, upon the first knowledge that the French squadron was advanced to the Delaware. And I shall soon have the ships here in readiness to take advantage of any opportunity favourable for the purpose of the Vice-admiral's appointment; but I have not yet heard of his arrival on the American coast.

Receiving notice this morning that the French squadron was advancing towards this port, I deferred closing my letter, to advise the Lords Commissioners, that the squadron, confisting of fifteen sail, anchored this evening without the Hook, seeming to meditate an attack on this port. I have the satisfaction to think, if prosecuted, that it will not prove to the discredit of his Majesty's arms.

The Grantham packet attempts putting to fea with this dispatch through the Sound, by Rhode-Island, whilst the attention of the enemy may be engaged off this port.

General Washington's account of the late adion in the Jerseys, between General Clinton's and the American army.

English-town, July 1, 1778. I embrace the first moment of leisure to give Congress a more full and particular account of the movements of the army under my command, since its passing the Delaware, than the situation of our affairs would

heretore permit.

I had the honour to advise them. that on the appearance of the enemy's intention to march through Jersey becoming ferious, I had detached General Maxwell's brigade, in conjunction with the militia of that State, to intercept and impede their progress, by every obstruction in their power, so as to give time to the army under my command to come up with them, and take advantage of any favourable circumstances that might present themselves. The army having proceeded to Coryell's Ferry. and crossed the Delaware at that place, I immediately detached Colonel Morgan, with a felect corps of 600 men, to reinforce General Maxwell, and marched with the main body towards Princeton.

The flow advance of the enemy had greatly the air of defign, and led me, with others, to suspect that General Clinton, desirous of a general action, was endeavouring to draw us down into the lower country, in order by a rapid movement to gain our right, and take possession of the strong grounds above us. This confideration, and to give the troops time to repose and refresh themselves, from the fatigues they had experienced from rainy and excessive hot weather, determined me to halt at Hopewell township, about five miles from Princeton, where we remained till the morning of the 25th. the preceding day I made a fecond detachment of 1500 chosen troops, under Brigadier-general Scott, to reinforce

inforce those already in the vicinity of the enemy; the more effectually to annoy and delay their march. next day the army moved to Kingfton; and having received intelligence that the enemy were profecuting their route towards Monmouth Court-house. I dispatched 1000 select men under Brigadier-general Wayne; and sent the Marquis de la Fayette to take the command of the whole advanced corps, including Maxwell's brigade and Morgan's light infantry; with orders to take the first fair opportunity of attacking the enemy's tear. In the exerting of the same day, the whole army marched from Kingston, where our baggage was left, with intention to preferve a proper distance for supporting the advanced corps, and arrived at Ctanberry early the next morning. The intense heat of the weather, and a heavy florm unluckily coming on, made it impossible to resume our march that day without great inconvenience and injury to the troops. Our advanced corps being differently circumstanced, moved from the pofition it had held the night before, and took post in the evening on the Monmonth road, about five miles from the enemy's rear; in expectation of attacking them next morning on their march. The main body having remained at Cranberry, the advanced corps was found to be too remote, and too far upon the right, to be supported; either in case of an attack upon or from the enemy, which induced me to fend orders to the Marquis to file off by his left towards English-town, which he accordingly executed early in the morning of the 27th.

The enemy, in marching from his disposition for Allen-town, had changed in the disposition, and placed their best troops in the rear, confishing of all the grenadiers, light infantry, and chasteurs after the line. This alteration made it diate command,

Yol, VI.

necessary to increase the number of our advanced corps; in consequence of which I detached Major-general Lee; with two brigades, to join the Marquis at English-town, on whom of course the command of the whole devolved, amounting to about 5000 men. The main body marched the same day, and encamped within three miles of that place. Morgan's corps was left hovering on the enemy's right flank, and the Jersey militia, amounting at this time to about 7 or 800 men, under General Dickinson, on their left.

The enemy were now encamped in a strong position, with their right extending about a mile and a half beyoud the Court-house, in the parting of the roads leading to Shrewsbury and Middle-town; and their left along the foad from Allen-town to Monmouth, about three miles on this fide the Court-house. right flank lay on the skirt of a small wood, while their left was fecured by a very thick one, a morals running towards their rear, and their whole front covered by a wood, and for a confiderable extent towards the left with a morals. In this fituation they halted till the morning of the 28th.

Matters being thus fituated, and having had the best information, that if the enemy were once arrived at the heighths of Middle-town, ten or twelve miles from where they were, it would be impossible to attempt any thing against them with a prospect of fuccess. I determined to attack their rear the moment they should get in motion from their prefent ground. I communicated my intention to General Lee, and ordered him to make his disposition for the attack, and to keep his troops constantly lying upon their arms, to be in readiness at the fhortest notice. This was done with respect to the troops under my imme-

Aaa

About

About five in the morning General Dickinson sent an express, informing, that the front of the enemy had began their march. I instantly put the army in motion, and sent orders by one of my Aids to General Lee to move on and attack them, unless there should be very powerful reasons to the contrary; acquainting him at the same time, that I was marching to support him, and for doing it with the greater expedition and convenience, should make the men dissincumber themselves of their packs and blankets.

After marching about five miles, to my great furprize and mortification, I met the whole advanced corps retreating, and, as I was told, by General Lee's orders, without having made any opposition, except one fire given by the party under the command of Colonel Butler, on their being charged by the enemy's cavalry, who were repulsed. I proceeded immediately to the rear of the corps, which I found closely pressed by the enemy, and gave directions for forming part of the retreating troops, who, by the brave and spirited conduct of the officers, aided by fome pieces of well-ferved artillery, checked the enemy's advance, and gave time to make a disposition of the left wing and fecond line of the army upon an eminence, and in a wood a little in the rear covered by a On this were placed morass in front. some batteries of cannon by Lord Stirling, who commanded the left wing, which played upon the enemy with great effect, and seconded by parties of infantry, detached to oppose them, effectually part a stop to their advance.

General Lee being detached with the advanced corps, the command of the right wing for the occasion was given to General Green. For the expedition of the march, and to counteract any attempt to turn our right, I had ordered him to file off by the New Church, two miles from

English-town, and fall into the Monmouth road, a small distance in the rear of the Court-house, while the rest of the column moved directly on towards the Court-house. On intelligence of the retreat, he marched up, and took a very advantageous position on the right.

The enemy, by this time, finding themselves warmly opposed in front, made an attempt to turn our left flank, but they were bravely repulsed and driven back by detached parties of infantry. They also made a movement to our right, with as little fuccess. General Green having advanced a body of troops, with artillery, to a commanding piece of ground, which not only disappointed their design of turning our right, but severely enfiladed those in the front of the left wing. In addition to this, General Wayne advanced with a body of troops, and kept up so severe and well directed a fire, that the enemy were foon compelled to retire behind the defile, where the first stand in the beginning of the action had been made.

In this fituation, the enemy had both their flanks fecured by thick woods and morasses, while their front could only be approached through a narrow pass. I resolved, nevertheless, to attack them, and for that purpose ordered General Poor, with his own and the Carolina brigade, to move round upon their right, and General Woodford upon their left, and the artillery to gall them in front; but the impediment in their way prevented their getting within reach be-fore it was dark. They remained upon the ground they had been directed to occupy during the night, with intention to begin the attack early the next morning; and the army continued lying upon their arms in the field of action, to be in readiness to support them. In the mean time the enemy were employed in removing their wounded, and about twalve twelve o'clock at night marched away in such filence, that, though General Poor lay extremely near them, they effected their retreat without his knowledge. They carried off all their wounded, except four officers and about forty privates, whose wounds were too dangerous to permit their removal.

The extreme heat of the weather, the fatigue of the men from their march through a deep fandy country, almost entirely destitute of water, and the distance the enemy had gained by marching in the night, made a purfuit impracticable and fruites. It would have answered no valuable purpose, and would have been fatal to numbers of our men, several of whom died the preceding day with heat.

Were I to conclude my account of this day's transaction without expresfing my obligations to the officers of the army in general, I should do injustice to their merit, and violence to They feemed to my own feelings. vie with each other in manifesting The catatheir zeal and bravery. logue of those who distinguished themselves is too long to admit of particularizing individuals. I cannot. however, forbear mentioning Brigadier-general Wayne, whose good conduct and bravery, through the whole action, deserves particular commendation.—The behaviour of the troops in general, after they recovered from the first surprize, occasioned by the retreat of the advanced corps, was fuch as could not be furpaffed.

All the artillery, both officers and men, that were engaged, distinguished themselves in a remarkable manner.

Inclosed Congress will be pleased to receive a return of our killed, wounded, and missing: among the first were Lieutenant-colonel Bonner, of Pennsylvania, and Major Dickinson, of Virginia, both officers of distinguished merit, and much to be regretted,

The enemy's slain left on the field and buried by us, according to the return of the persons assigned to that duty, were sour officers, and 245 privates; in the former number was the Honourable Colonel Monckton. Exclusive of these, they buried some themselves, as there were several new graves near the field of battle. How many men they have wounded, cannot be determined; but from the usual proportion, the number must have been considerable. There were a few prisoners taken.

The peculiar situation of General Lee at this time requires that I should say nothing of his conduct. He is now in arrest. The charges against him, with such sentence as the Court Martial may decree in his case, shall be transmitted for the approbation or disapprobation of Congress, as soon

as it shall be passed.

Being fully convinced by the gentlemen of this country, that the enemy cannot be hurt or injured in their embarkation at Sandy-hook, the place to which they are going, and unwilling to get too far removed from the North River, I put the troops in motion early this morning, and shall proceed that way, leaving the Jersey brigade, Morgan's corps, and other light parties, (the militia being all dismissed) to hover about themcountenance desertion, and to prevent their depredations as far as possible. After they embark, the former will take post in the neighbourhood of Elizabeth-town—the latter rejoin the corps from which they were detached.

I have the honour to be, With the greatest respect, Sir, your most obedient servant,

G. WASHINGTON.
The Hon. Henry Laurens, Efq.
Prefident of Congress.

Return of the killed, wounded, and missing, of the American army, in the battle of Monmouth, on the 28th day of June, 1778.

Killed, 1 Lieutenant-colonel, 1 A a a 2 Major, Major, 3 Captains, 2 Lacutenants, 1 Serjeant, 52 rank and file. Wounded, 2 Colonels, 8 Captains, 4 First-Lieutenants, 2 Second-Lieutenants, 6 Enfigns, 1 Adjutant, 2 Serjeants, 1 drum, 120 rank and file. Miffing, 5 Serjeants, 126 rank and file. Many of the missing dropped through fatigue, and have since come in.

Artillery. Killed, I First-Lieutenant, 7 matrosses, I bombardier. Wounded, I Captain, I Serjeant, I Corporal, I Gunner, 10 matrosses, Missing, I matross—6 horses killed,

2 wounded.

London, May 11. This morning died at his feat at Hayes, in Kent, WILLIAM PITT, Earl of Chatham. The members of both Houses of Parliament were deeply affected by the loss of this great man. Their culogiums upon him may be seen in the debates of the time. Suffice it to mention here, that a public funeral was ordered, together with every mark of gratitude and respect, which were most justly due to the same and fervices of this great and upright Mi. The body having lain in state some days in the Princes Chamber, was carried in grand procession from the north door of Westminsterhall to the west door of Westminsterabbey, and interred in the Abbey. A monument was ordered, &c. &c. and the whole was at the public expence.

An account of the funeral procession, which was on the 8th of June, 1778. The company were assembled in

The company were assembled in the Painted Chamber, Court of Requests, Anti-chamber, &c. from ten o'clock yesterday forenoon till one, when about half an hour after that hour, the procession began to move in the following order:

High Constable of Westminster. Messenger to the College of Arms, in a mourning cloak, with a badge of the College on his shoulder, his staff tipt with silver, and furred with sarsnet.

Six men conductors, in cloaks, with black stayes, headed with Earls coronets.

Seventy poor men, in cloaks, with badges of the creft of PITT on their shoulders, and black staves in their hands.

An Officer of Arms.

The STANDARD.

Servants to the relations of the deceased, in close mourning.

Servants to the deceased, in close mourning.

Officers of the wardrobe, in close mourning.

Physicians and Chaplains.

Gentlemen and Esquires, two and two, in close mourning, with bags and black founds, to the

number of fifty.

Members of the House of Commons.

A BANNER of the Barony of

CHATHAM.

Knights, in close mourning.

IRISH PEERS.

ENGLISH PEERS

ENGLISH PEERS, Who were the Dukes of Manchester and Northumberland, with the Marquis of Rockingham,

An Officer of Arms.

The GREAT BANNER.

The helmet and creft, borne by a

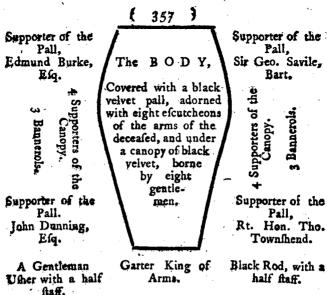
Herald,

The fword and targer, by a Herald,
The furcoat, by a Herald.
The CORONET, on a black velvet

cushion, by a King of Arms, between two Gentlemen Ushers with half stayes.

Colonel Barre, bearing a funeral standard, supported on one side by Lord Middleton, and on the other by Mr. Byng, a Member of the House of Commons,

Supporter



faff.
Supporter to the Chief Mouraer,
Right Hon. Lord
Vilcount Mahon,
fon-in-law to the
deceafed Earl.

CHIEF
MOURNER,
The Honourable
WM. PITT,
fecond Son to the
deceafed Earl.

Supporter to the Chief Mourner, Thomas Pitt, Efq. Nephew to the deceased Earl.

ASSISTANT MOURNERS.

Lords Camden, Effingham, Shelburne, and Townshend, together with Sir Watkin Williams Wynne, Bart.
Mr. Grenville, Mr. Pitt, and Sir James Oockburne, Bart.
BANNER of the Crests of PITT.
BANNER of the Arms of PITT.

The procession, which was closed by servants of the family, in close mourning, reached Westminster-abbey about two o'clock; when the six conductors and seventy poor men divided and ranged themselves on each side without the church door; the rest went in.

At their entrance the Dean and Prebendaries, with the Choir, and the Bishop of Rochester at their head, fell into the procession immediately after the Great Banner, and sung the first anthem of the Burial Service.

As foon as the body had reached the vault, the Chief Mourner and two Supporters feated themselves on chairs at the head of the body, and the eight Assistant Mourners and four Supporters of the Pall, on stools at each side:

The coffin was then let down at the fide of the vault, the Coronet and Cushion laid on it, and the Canopy and Bannerols held over it.

The Bishop of Rochester then read the service, the anthems of which were chaunted by the choir; after which, Garter, King of Arms, proclaimed the stile and title of the late Earl; when the Earl's officers breaking their staves, gave the pieces to Garter, who threw them into the grave.

The procession then returned, in the same order, to the Painted Cham-

ber,

ber, and about four o'clock the com-

pany all dispersed.

The passage from the Hall to the Abbey was flanked with strong rails, guarded by files of soldiers, so that the procession both to and in the Hall, and back again, was conducted without the least interruption.

The City of London presented an address to his Majesty, desiring the Earl's body might be interred in the Cathedral of St. Paul, but his Majesty did not comply with their request, whereupon the City published the following:

ESDAILE, Mayor.

A Common Council holden in the Chamber of the Guildhall of the City of London, on Saturday the 6th day of June, 1778.

His Majesty having refused to comply with the request of this Court, on their humble desire to have the remains of the late Earl of Chatham buried in the Cathedral of St. Paul,

Resolved unanimously,

Nevertheless, That a Committee be now appointed to consider what further mark of respect is most sit to perpetuate the memory of that excellent and disinterested Statesman, in the time of whose Administration the Citizens of London never returned from the throne distatisfied.

For the REMEMBRANCER. OBSERVATIONS.

Pavor etiam auxilia formidat.

Real Statesmen always posses a happy boldness and grandeur which tells them to what point a cause will safely bear them, mingled with a tenderness which never permits them to exceed it; while soft trepidating councils, which see no dangers on the side of yielding, are ever alarmed at the efforts that are to give them safety. As I wish to communicate the reverence for Earl Chatham's character, to his opinions, I might enter into a copious discussion of his positions con-

cerning America: I shall at present however fingly state the confirmation they receive from the resolutions of Congress respecting the bills for conciliation. Yet to allay the virulence which certain men (from mixed as well as from purer principles) have assumed against him, on the subject. of independence, I shall beg leave to mention in very short words, some of the circumstances under which he had declared himself .- America had been alienated for the short period of only two years; and they were yet unadopted, as to their domestic concerns, in Europe. Some European connection was necessary to them, yet fome danger followed upon every fuch connection. Many of their real distresses still subsisted. They had felt the folace of revenge, and the felf complacence of a justified character; and it was in the breast of England to add the farther comfort of humiliating their oppressors. There were many great names among us, for which they still retained veneration; and the confidence they had derived from fuccess, made it easy to affare liberty to their people and power to their leaders; while their military establishments in particular (no small object either for security or ambition) were by Lord Chatham's syftem, to be made for ever their own.

After these short hints, I revert to the paper in question, which being debated by paragraphs in Congress, and treating upon subjects of such moment, admits a close and rigorous interpretation. These resolutions then are very temperately written; and the arguments in them tend to fecurity only, and not to pride. term of sovereignty is only once mentioned, and then circumspectly, and in opposition to our crude provision for restoring governors-There, are no violent denunciations against those who presume to think favourably of the terms; but only wife precautions against treating separately,

and relaxing preparations for war, which ought ever to be most vigorous at the moment of negotiation—The farther consent to overtures, without previous admission of independence, provided we withdraw our force; including by that provision, a mode of retreat for it, which is, perhaps, the only remaining one at this juncture, that is at once honourable and fase.

As to other expressions, they are wiped away by the very reasonable interpretation, that measures of parliaments are measures of ministers, while procuted by their delusive information: an interpretation that applies still more constitutionally to the prince. - This measured language, whether the spontaneous Act of Congress, or the result of a necessary compliance or caution towards their constituents, is in every shape propitious to Britain. And their moderation accordingly, compared with the decision and asperity of the Declaration of Independence, shews what difference Congress felt in each cases, in the ground it had to tread on-I should be concerned to take any unworthy advantage of incidental expressions; but it would be highly derogatory to Congress, not to consider arguments and measures, passed under every folemnity of situation and deliberation, as explanatory of the temper of America.

How unfortunate then was it, that amidst these reliques of practicability and good humour, conciliation was reserved for the men, who had not only subjected them to the most same oppression, but had accompanied it with persidy, and insults the most mortal and unmanaged. In fact prepossessions against them were so established in America, that when Congress had to render probable the authenticity of the bills, they did it by seven separate arguments, which imputed either folly, insidiousness, impotence, or vice. What then are we

to think of ministers, against whom fuch arguments could appear both natural and candid? Or how could conciliation prosper in the hands of those, who were themselves the root of quarrel; who took care that there should be so much wrong in their proposals, as should prove themselves in the right; and whose tender reshewed trospect to their errors, how much they were inclined upon occasion to repeat them?-That this is not turn and declamation, will appear upon reverfing the personages and the language. For how could Congress tell a CHATHAM, you rejected our petitions, you appealed to favages and flaughter, you asked for unconditional submission? That Chatham, while he had breath, would have replied, 'I knew you aggrieved, and ' would have unconditionally redressed you; I ever upheld your petitions; I promoted inquiries after those who shed your blood; I would have withdrawn force from you, at once, and for ever; for pardon, I would have given amnesty; taxation fundamentally should have been renounced to you; I leave no bonds over you, but those of common interests and consent; and if there is any thing which good faith does not enough affure to you, truit to our sufferings, and to your own ' virtues that have faved you.'

I leave it with liberal minds to judge, whether the Congress-objections would not have melted away in the face of fuch a reply.—Why the parties then, were not changed, is not for me to determine. I know that it is the common usage of states to change ambassadors, for the single reason that they are personally unacceptable to the power that it is to receive them: and still more so when there is any critical object in nego-I profess I see no evil ciation. in the measure because grateful to America; and much less know the loss the empire would have sustained,

by having displaced them. Sure I am that it is infinitely more reproachful to lose an empire than a minister, whom the reproach lies in keeping; and that corrected error is ever more honourable than acknowledged impo-By fuch a fystem we should have stood more reputably abroad, both with enemies and allies; more confidentially with America; and more invigorated at home. When a state or an army has suffered signal ill-fuccess, nothing more renovates it, than the removal of its disastrous leaders; and change feems but a different term for mending-If it was expected that ministers should dismiss themselves, much has been the deception. Even private affronts, dereliction in their official characters, a fiege of spies, propositions against their consciences; nothing could move men, who wanted virtue and spirit which in high life is the substitute of virtue. Instead of saying, " As for " us, we are but individuals; save only the country:" The language was, " ruat calum, give America to " France or to Japan, or give away " any thing but our places."

I know the scene of successive delusion that will be practifed upon those, whom past delusions could not revolt; but my own judgment is, that the minister's treaty is finally impracticable. I cannot indeed meafure the extent of compliance in abject minds; but I know that what is given charily in despair, will be retracted as eagerly when there is hope; and, joined to our own misconduct, I tremble for the influence of tranfactions in Europe.—I will, however venture to augur, that independence, being the spell and talisman of Congress, they will appear to yield nothing till they fee they can obtain every thing; and like women and statesmen, when underbid for their virtue, will never listen to terms which must take away the imposition of character, before they are secure in their object. Another prophecy is, that should the treaty prove abortive, after America has been canvalled, Congress will become infinitely more calous and effranged to future genuine offers from England.—And as America must necessarily impose severer restrictions on the present ministers, than on ministers they could trust, the difference is a clear burthen, to be added to the other burthens, incurred by continuing them in office.—But privileges out of the question, and proposing this country as a mere administration for their foreign concerns, how can a fensible people make common cause with us, when they see us left to be extricated from the dark calamities that furround us, by the very men whole wickedness and insufficiency have created them?—Let ministers who fix these impediments in the way of their country's peace, and who by chang* ing measures where they have not changed counsels, have sunk the reputation of our strength, without adding to that of our virtue, offer a ferious refutation to these objections that are stated.

Let me hope that no expressions I have used will be construed as tending to wild infatuated war, but merely to sensible and magnanimous treaty; the natural advantages of which mutually taken, I would willingly become pledged to prove-With respect to Congress, I admire their wisdom and union, their energy and courage; without which, and a duc correspondence between themselves and their people, it is demonstrable; that divided immature continent never could have perfifted in its fufferings and war. In particular I confider their motives for affuming independence, as wholly prudential, to obtain foreign aid; to be a prefervative against the delusive rumours of their enemies; and to prevent anarchy and military Cromwells, and the risque of half-doubting measures, at home.

The more dangerous the crisis, the more apt the expedient; and they may still find it as useful to guard against hope, as then against fear. And therefore I repeat it, they will never dissolve the charm, while they see any thing left uncertain or undone; or burst the bladder that floats them through the wide feas they are cast upon, before they feel their ground fure and folid underneath them. At the same time let me revere and applaud that great man, whose philosophic benevolence uniform'y led him to wish to coalesce with a country, from which malignant spirits had attempted to divide him. It is to his admirable temper and infinite views, that we owe a part of that moderation which has fo long been feen in Europe, in spite of the irritation both of his enemies and friends; and that there was perhaps no moment of the last winter, in which he did not wait and even court for As he is yet the living glory peace. of America, I shall only add that his wonderful virtues and talents, joined to the crisis of his country, will affuredly place him where he ought to be, in the highest range of fame.

Let me now follow on, to the grave of that great statesman, where so many of our hopes lie buried, and write a few words of gratitude and admiration over his tomb. Perhaps a mind more magnificent, the world never faw. Grand in debate, energetic in council, dignified to the enemy, and paternal to the people, he lived the impirer of his country and the terror of its foes. -Great projects are usually costly; but his were never meant as mere annual expences: they were a great first cost, to leave France permanently Possessed of fortresses and reduced. stations, and of the trade that was to

support them, future wars, with common management, might have been easy and defensive But let it be told to future times, that he knew how to expend 70 millions, without impoverishing his country, invading its rights, corrupting its manners, or retaining sufficient to bury him; and posterity will judge the rest .- The last expiring act of virtue in a state. is to know how to revere the virtues of its individuals: and I glory in the tributes paid to his merit, although we were contented to remain without employing it. I am not afraid of the precedent of rewarding public fervices, which had forgot to reward themselves: it is the method of all others infinitely the least chargeable. Wife nations instead of shunning, will ever feek these occasions; to procure honour abroad; and encourage virtue in themselves and their younger statesinen, at home; and if their country is poor, they will make the fat cofferer and contractor regorge for it, a part of the profit of their vices. - Those who heard Lord Chatham in his last moments, know that his health was impaired, rather than his talents; and that his was not a character to partake of the vices and languor of age. Without descending to what was executive, as minister, he might have checked favoritism and nationality; and witheld shelter from the corrupt. He might have affifted the state with his experience and authority; and, besides calming panic and commotion, have become an instant index and security for a reformation of our systems. Immense as his loss is, let us hope that he leaves a fuccessor behind him, who will prove the relict of his greatness, and the younger brother of his fame.

A By-Stander.

The protest on this subject, very curiously signed.

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The following is an authentic Copy of the FAMILY COMPACT, in French and English; upon which the Earl of CHATHAM gave his spirited Opinion against Spain, in the Month of September, 1761.

Copie.

Paste de Famille de la Maison de Bourbon, signé à Paris, le 15 Août,

1761

Au nom de la très sainte & indivifible Trinité, Pere, Fils, & St. Espirit, ainsi soit-il. Les liens du sang, qui unissent les deux monarques, qui regnent en France & en Espagne, & les sentimens particuliers, dont ils sont animés l'un pour l'autre, & dont ils

The Family Compact of the House of Bourbon, signed at Paris, August

15, 1761.

In the name of the most holy and indivisible Trinity, Father, Son, and Holy Ghost. Amen. The ties of blood, which unite the two monarchs now reigning in France and Spain, and the particular sentiments which have animated each other, of which

His Lordship, then Mr. Pitt, foreseeing a war with Spain inevitable, instantly prepared for it. And being on this occasion, as he had been on every other, firmly supported by his brother, Earl Temple, they submitted their advice, in writing, to his Majesty, "to recall Lord Bristol," at that time, the British Ambassador at Madrid †. But the Favourite, by his arts and pernicious counsels, had so managed matters, that the credit and influence of these illustrious personages were considerably weakened. They were not insensible of it. But this being the happy opportunity of obliging Spain to declare herself, and this being business of the utmost importance to the public, they resolved, against whatever opposition might be formed, to attempt this signal service for their country. After it had been deliberated three times in the Cabinet, Mr. Pitt saw his influence in the State so lost, that only his saithful friend Earl Temple adhered to his opinion. They now found it was time to resign, and that their resignations were ardently wished for by the Favourite.

When they were about taking their leaves of the third and last Council, summoned to deliberate on the conduct of Spain, Earl Granville (then Lord President) expressed, in his own nervous and manly eloquence, "His very high opinion of their consummate wisdom, penetration, honour and integrity, and in a most particular and emphatical manner, mentioned the great number of insurmountable difficulties which they had had to struggle with." No other proof need be given, than the words of this great man, of the difficulties, which rendered it impossible for these disinterested patriots to

continue in the fervice of their country.

† Some time after, Earl Temple, in a Great Assembly, after recommending unanimity in the strongest terms, did declare, "That he would make but one observation upon all that had been said, relative to the samily Compact, viz. that it was allowed to have been signed in August, ratisfied in the sirst week of September, and the written advice was given and dated on the 18th of the same month." Upon which the Favourite afferted, "That there was no intelligence of such a fact, so constituted, at that time." To which Earl Temple replied, "That there was intelligence of the highest moment relative to those matters at that time; that he was not at liberty to publish it, but would resemble his Lordship's memory in private;" which he accordingly did.

ont donné tant de preuves, ont engagé S. M. très Chrétienne, & S. M. Catholique, d'arrêter & de conclure entre elles un traité d'amitié & d'union, sous la denomination de Patte de Famille; & dont l'object principal est de rendre permanens & indivisibles, tant pour leurs dites Majestés, que pour leurs descendans & successeurs. les devoirs qui sont une suite naturelle de la parenté & de l'amitié. L'intention de S. M. très Chrêtienne & de S. M. Catholique, en contractant les engagemens qu'elles prennent par ce traité, est de perpetuer dans leur posterité les sentimens de Louis XIV. de glorieuse memorie, leur commun & auguste bisayeul, & de faire subfister à jamais un monument solemnel de l'interêt reciproque, qui doit être la base des desirs de leurs cours, & de la prosperité de leurs familles royales.

Dans cette vue, & pour parvenir à un but si convenable & si salutaire. L. L. M. M. très Chrêtienne & Catholique ont donné leurs pleinpouvoirs; savoir, S. M. très Chrétienne au Duc de Choiseul, pair de France, Chevalier de ses ordres, & Lieut. General des armées de sa Majesté, Governeur de Touraine, Grand Maitre & Sur-intendant General, & Secretaire de l'etât, ayant le department des affaires étrangeres & de la guerre; & S. M. Catholique au Marquis de Grimaldi, gentilhomme de sa chambre avec exercise, & son ambassadeur extraordinaire après du Roi très Chrêtien; lesquels étant informés des dispositions de leurs souverains respectifs, & après s'être communiqués leurs plenipouvoirs, font convenus des articles suivans.

ART. I. Le Roi très Chrêtien, & le Roi Catholique declarent, qu'en vertu de leurs intimes liaisons de parenté & d'amitié, & pour l'union qu'ils contractent par le present traité, ils regarderont à l'avenir comme leur ennemi toute puissance, qui le devi-

they have given so many proofs, have engaged their Most Christian and Catholic Majesties to form, and conclude between them, a treaty of friendship and union; under the title of The Family Compact; the principal object of which is to render permanent and indivisible, as well for their faid Majesties; as for their descendants and successors, those duties which are the natural confequences of confanguinity and friendship. The intention of their Most Christian and Catholic Majesties, in contracting the engagements formed by this treaty. is to perpetuate in their posterity the fentiments of Lewis XIV. of glorious memory, their common and august great grandfather; and to preserve for ever a solemn monument of their reciprocal interest, which ought to be the foundation of the views of their courts, and of the prosperity of their royal families.

With this view, and to attain fo agreeable and falutary an end, their Most Christian and Catholic Majesties have given their full powers, i. e. his Most Christian Majesty to the Duke de Choiseul, a peer of France, Knight of his orders, and Lieutenantgeneral of his Majesty's armies, Governor of Touraine, High Steward and Superintendant General, and Secretary of State in the department of war and foreign affairs; and his Catholie Majesty to the Marquis of Grimaldi, gentleman of his bedchamber, and his ambassador extraordinary to his Most Christian Majesty; who, being informed of the dispositions of their respective sovereigns, and after having communicated their credentials to each other, have agreed to the following articles:

ART. I. Their Most Christian and Catholic Majesties declare, that in consequence of their intimate ties of consanguinity and friendship, and the union they contract by the present treaty, the two crowns will hereaster consider every power as their common B b b a enemy,

endra de l'une ou de l'autre des deux couronnes.

ART. II. Les deux Rois contractans se garantissent reciproquement, de la maniere la plus absolue, & la plus authentique, tous les états, terres, isses, & places, qu'ils possedent dans quelque partie du monde que ce soit, sans aucua reserve ou exception; & les possessions, objet de leur garantie, seront constituées suivant l'état actuel, où elles seront au premier moment, où l'une on l'autre couronne se trouverent en paix avec toutes les autres puissances.

ART. III. S. M. Très Chrêtienne, & S. M. Catholique, accordent la même garantie absolue & authentique au Roi de Deux Siciles, & à l'infant Don Philippe, Duc de Parme, pour tous les états, pais & places, qu'ils possedent; bien entendu, que S. M. Sicilienne, & le dit Infant Duc de Parme, garantiront aussi de leur part, toutes les états & domaines de S. M. Très Chrêtienne & de S. M. Catholique.

ART. IV. Quoique la garantie inviolable & mutuelle, à laquelle leurs Majestés Très Chrêtienne & Catholique s'engagent, doive être soutenue de toute leur puissance, & que leurs majestés l'entendent ainsi, d'après le principe qui est le fondement de ce traite, qui attaque une couronne attaque l'autre; cependant les deux parties contractante ont jugé à propos de fixer les premiers secours, que la puissance requise fera tenue de sournir à la puissance requerante.

ART. V. Il est convenu entre les deux Rois, que la couronne, qui sera requise de sournir le secours, aura, dans un ou plusieurs de ses ports, trois mois après la requisition, douze vaisseaux de ligne, & six frégates armées, à la dispession entiere de la cours requerante.

ART. VI. La puissance requise tiendra, dans la même espace de 3 mois, à la disposition de la puissance requerante, enemy, who shall become such to either of them.

ART. II. The two contracting kings reciprocally guaranty, in the most absolute and authentic manner, all the estates, lands, islands and places, which they possess in any part of the world whatever, without any reserve or exception; and the possessions, the object of their guaranty, shall be fixed, according to the actual state in which they shall be found, as soon as either of the two crowns shall be at peace with all other powers.

ART. III. Their Most Christian and Catholic Majesties grant the same absolute and authentic guaranty to the King of the Two Sicilies, and to the Insant Don Philip, Duke of Parma, for all the estates, territories, and places, which they posses; provided that his Sicilian Majesty, and the said Insant Duke of Parma, also guaranty, on their part, all the estates and possessions of their Most Christian and Catholic Majesties.

ART. IV. Though the inviolable and mutual guaranty, to which their Most Christian and Catholic Majesties bind themselves, ought to be supported with all their power, and though sheir Majesties thus understand it, according to the fundamental principle of this treaty, that whoever attacks one Crown, attacks the other, yet the two contracting parties have thought it proper to ascensia the first succours, which the power requested shall be obliged to furnish to the power requesting.

ART. V. The two kings have agreed, that the crown requested to furnish succours, shall, within three months after such requisition, have twelve ships of the line, and fix armed frigates, in one or more of its ports, at the entire disposition of the requesting court.

ART. VI. The power requested shall have ready, within the space of three months, at the disposition of the

requerante, 18 mille hommes d'infanterie, & 6 mille hommes de cavalerie, si la France est la puissance requise; & l'Espagne, dans le cas où elle seroit la puissance requise, 10 milles hommes d'infanterie. & 2 milles hommes de cavalerie: dans cette difference de nombre on a eu égard à celle, qui se trouve entre les troupes que la France a actuellement fur pied, & celles, qui sont entretenues par l'Espagne; mais s'il arrivoit, dans la suite, que le nombre de troupes sur pied fût égal de part & d'autre, l'obligation seroit dessors pareillement égale de fournir réciproquement le même nombre. La puissance requise s'engage à affembler celui qu'elle devra fournir, & à le mettre à portée de sa destination, sans cependant le faire d'abord fortir de ses états, mais de le placer dans la partie de ses etats, qui sera indiquée par la partie requerante, ann qu'il y soit plus à portée de l'enterprise ou objet, pour lequel elle demandera les dites troupes. Et comme cet emplacement devra être précédé de quelqu' embarquement, navigation, ou marche de troupes par terre, le tout s'exécutera aux fraix de la puissance réquise, à qui le dit secours appartiendra en proprieté.

ART. VII. Quant à ce qui regarde la difference au dit nombre des troupes à fournir, S. M. Catholique excepte le cas, où elles feroint necesfaries pour defendre les domaines du Roi des Deux Siciles, son fil, ou ceux del'Infant Duc de Parme, son frere, de sorte que, reconnoissant l'obligation de preference, quoique volontaire, que les liens du fang, & la proche parenté lui imposeroient alors, le Roi Catholique, dans ces deux cas, promet de faurnir le secours de 18 mille hommes d'infanterie, & de 6 mille de cavalerie, & même toutes ses forces, sans rien exiger de S. M. Très Chrietienne, que le nombre des troupes ci-dessus stipulé, & les efforts, que sa tendre amitié pour les princes the power requesting, 18,000 foot, and 6000 horse, if France shall be the power requested; and if Spain, being the power requested, 10,000 foot and 2000 horse. In this difference of number, attention must be paid to the greater number of forces actually kept on foot in France than in Spain; but if it should at any time so happen, that the number of forces kept on foot by them shall be equal, then the obligation shall also be equal to furnish reciprocally the fame number. The power requested engages to assemble the stipulated fuccours, and to place them in fuch fituations (without immediately marching them out of the kingdom) as the party requesting shall appoint, in order that they may be the more readily employed in the fervices for which the faid troops were demanded; and when, to gain fuch place of destination, a passage by sea, or marches by land may be necesfary, the expences thereof shall be borne by the power requested, to whom the faid succours properly belong.

ART. VII. As to what regards the difference in the faid number of troops to be furnished, his Catholic Majesty excepts the case, wherein they may be found necessary to defend the possessions of the King of the Two Sicilies, his for, or those of the Infant Duke of Parma, his brother: fo that freely acknowledging the preference, which the ties of blood and kindred impose on him, then the Catholic King, in those two circumstances, promises to furnish the succours of 18,000 foot and 6000 korfe, and even to employ all his forces, without claiming of his Most Christian Majosty any more than the number of troops above specified, and fuch other effects, as his tender friendthip

de fon sang pourroit lui inspirer de faire en leur saveur.

ART. VIII. S. M. Très Chrêtienne excepte aussi, de son côté, les guerres, dans lesquelles elle pourroit entrer, ou prendre part, en consequence des engagemens qu'elle a contractées par le traité de Westphalie, & autres alliances avec les puissances d'Allemagne, & du Nord; & considerant que les dites guerres ne peu vent interesser en rien la couronne d'Espagne, S. M. Très Chrétienne promet de ne point exiger aucun secours du Roi Catholique, à moins cependant que quelques puissances maritimes ne prissent part aux dites guerres, ou que les evenemens ne fussent si contraires à la France. qu'elle seroit attaquée dans son propre pais, par terre, & dans ce dernier cas, S. M. Catholique promet au Roi Très Chrêtien de lui fournir, sans aucune exception, non seulement les susdits 10 mille hommes d'infanterie, et z mille de cavalerie, mais aussi de porter, en cas de besoin, ce fecours jusqu'à 18,000 hommes d'infanterie, & 6000 de cavalerie, ainsi qu'il a été stipulé par rapport au numbre à fournir au Roi Catholique par S. M. Très Chrêtienne; S. M Catholique s'engageant, si le cas arrive, de n'avoir aucun egard à la disproportion, qui se trove entre les forces de terre de la France, & celles d'Espagne.

ART. IX. Il fera libre à la puisfance requérante d'envoyer un ou plusieurs commissaires, choisis parmi ses sujets, pour s'assurer, par euxmêmes, que la puissance requise a rassemblé, dans le 3 mois, à compter de la requisition, & tient dans un ou plusieurs de ses ports, les 12 vaisseaux de ligne, & 6 frégates armées en guerre, ainsi que le nombre stipulé de troupes de terre, le tout prêt à marcher.

ART. X. Les dits vaisseaux, frégates, & troupes, agiront selon la volonté ship for the princes of his own blood may induce him to exert in their favour.

ART. VIII. His Most Christian Majesty excepts also, on his part, the wars he may engage in, either as principal, or auxiliary, in confequence of the engagements he has contracted by the treaty of Westphalia, and other alliances with the German and other Northern powers: and confidering, that the faid wars can in no manner interfere with the crown of Spain, his Most Christian Majesty promises not to demand any affistance from his Catholic Majesty, unless some maritime powers should take part in the said wars, or that the event should be so unfavourable to France. that she should be attacked by land in her own territories; then, in this last case, his Catholic Majesty promiles to furnish his Most Christian Majesty, without any exception, not only with the faid 10,000 foot and 2000 horse, but even in case of necessity, with 18,000 foot, and 6000 horse, being the number flipulated to be furnished, for the use of the Catholic King, by his Most Christian Majesty; his Catholic Majesty engaging, in such case, to pay no regard to the disproportion between the land forces of France and those of Spain.

ART. IX. The requesting power shall be permitted to send one or more Commissaries, chosen from among their own subjects, in order to assure themselves, that the power requested has collected, within the three months from the time of requisition, in one or more of their ports, twelve ships of the line and six armed frigates, as well as the stipulated number of land forces, ready to march.

ART. X. The faid fhips, frigates, and troops, shall act agreeably to the will

sonté de la puissance qui en aura besoin, & qui les aura demandés, sans que sur les motifs, ou sur les objets indiqués pour l'emploi des dites forces de terre & de mer, la puissance requise puisse faire plus d'une seule & unique representation.

ART. XI. Ce qui vient d'être convenu aura lieu toutes les fois que la puissance requérante demanderoit les secours pour quelque enterprise offensive, ou defensive, de terre ou de mer, d'une execution immediate, & doit s'entendre pour le cas, que les vaisseaux & frégates de la puissance requise iroient s'établir dans quelque port de ses états, puisqu'il sustina alors, qu'elle tienne ses forces de terre & de mer prêtes dans les endroits de ses domaines, qui seront indiqués par la puissance requérante, comme plus utile à ses vuës.

ART. XII. La demande, que l'un des deux souverains sera à l'autre, des secours stipulés par le présent traité; suffira pour constater le besoin d'une part, & l'obligation de l'autre, de fournir le dit secours, sans qu'il soit necessaire d'entrer dans aucune explication, de quelque espece qu'elle puisse être, ni sous quelque pretexte que ce soit, pour eluder la plus prompte, & la plus parfaite execution

de cet engagement.

ART. XIII. En consequence de l'article precedent, la discussion du cas offensis ou desensis, ne pourra point avoir lieu par rapport aux 12 vaisseaux, aux 6 frégates, & aux troupes de terre à fournir ces forces, devant être regardées dans tous le cas, & trois mois après la requisition, comme appartenant en proprieté à la puissance, qui les aura requises.

ART. XIV. La puissance, qui fournira le secours, soit en vaisseaux & frégates, soit en troupes, les payera, par tout où son allié les sera agir, comme si ces sorces étoient employées directement pour elle-même; à la puissance requérante sera obligée, soit que les dits vaisseaux, frégates,

will of the power that shall have occasion for and demand them; and the power requested shall be allowed to make no more than one representation concerning the motives or objects to which the said land and seaforces are desined.

ART. XI. What is above agreed upon shall immediately take place, as often as the requesting power shall demand succours for any offensive or defensive enterprize, either by land or sea, and must be understood in such case, that the ships and frigates of the requested power shall be collected in some port of its dominions, since it shall then be sufficient, that the land and sea forces are in readiness in those ports of their kingdoms, which shall be appointed by the requesting power, as most convenient to its intentions.

ART. XII. The demand, which one of the two fovereigns shall make of the other, for the succours stipulated by the present treaty, shall be sufficient to constitute the necessity of one party, and the obligation of the other to furnish the said succours, without being obliged to enter into any explication whatever, nor under any pretence, to elude the most speedy and perfect execution of this engagement.

ART. XIII. In consequence of the preceding article, no discussion of the offensive or defensive case shall take place, with respect to furnishing the twelve ships, the six frigates, and the land troops, since those forces are to be considered, in all points, three months after the requisition, as properly belonging to the power that

shall request them.

ART. XIV. The power that shall furnish these succours, whether in ships and frigates, or in troops, shall pay them whereever its ally shall call them to act, as if those forces were directly employed in their own service; and the requesting power shall be obliged, whether the said ships, frigates,

on troupes restent peu ou long tema dans ses ports, de les saire pouvoir de tout ce dont elles auront besoin, au même prix que si elles lui appartenoient en proprieté, & à les saire jouir de mêmes prerogatives & privileges, dont jouissent ses propres troupes. Il est convenu, que dans aucun cas les dits vaisseaux ou troupes ne pourreient être à la charge de la puissance, à qui ils seront envoyés, e qu'ils subsidieront à sa disposition, pendant toute la durée de la guerre, dans laquelle elle se trouvera engagée.

ART. XV. Le Roi Très Chrétien. & le Roi Catholique, s'obligent à tenir complets, & bien armés, les vailleaux, frégates, & troupes, que lour majestés se fourniront reciproquement, de sorte qu'aussitot que la puissance requise aura fourni les secours stipulé par les articles V. & VI. du present truité, elle fora armer dans ses ports un nombre suffisant des vaisseax, pour remplacer, sur le champ, coux qui pourroient être perdus par les evenemens de la guerre, ou de la mer; cette même puissance tiendra egalement prêtes les recruées, de les reparations necessaires pour les troupes de terre qu'elle aura à fournir.

ART. XVI. Les secours stipulés dans les articles precedens, selon le tems & la manière, qui a été exdoivent être confiderés pliquée, comme une obligation de liens de la parenté & amitié, & de l'union intime, que les deux monarques contractens desirent de perpetuer entre leurs descendans; & ces secours itipulés feront ce que la puissance requise pourra faire de moins, pour la puissance qui en aura besoin; mais comme l'intention des deux Rois est, que la guerre, commençant par ou contre l'une de deux couronnes, doit devenir propre & personelle à l'autre, il est convenu, que des que les deux rois se troveront en guerre declarée contre le même ennemi, ou le mêmes ennemis, l'obligation des dits secours flipules.

frigates, or troops, remain a short or long time in their ports, to supply them with every thing necessary, at the same price as if they properly belonged to them, and to allow them the same prerogatives and privileges as their own troops enjoy. It is agreed that, in no case, the said ships or troops shall be at the expence of the power to whem they are sent, and that they shall be at their disposition during the war in which they shall be employed.

ART. XV. Their Most Christian and Catholic Majesties oblige themselves to keep complete and well armed the ships, frigates, and troops, which their Majesties shall reciprocally furnish, so that, as soon as the power requested shall furnish the succours stipulated by the fifth and fixth articles of the prefent treaty, such power shall arm in its ports a number of ships, sufficient immediately to replace fuch as may be lost by the events of war or the dangers of the foa; the same power shall be equally prepared to recruit and make the necessary reparations in the land troops it shall furnish.

ART. XVI. The fuccours stipulated in the preceding articles, according to the time and manner specified, should be confidered as an obligation of the ties of blood and friendship, and as an intimate union, which the two contracting Monarcha defire to perpetuate among their descendants; and these stipulated fuccours shall be the least which the power requested shall give to the other in case of necessity: but as the intention of the two kings is a that a war, beginning by or against one of the two crowns, ought to interest the other, it is agreedy that when the two kings shalls find themselves engaged in a war against the same enemy or enemies; the obligation of the faid Hipulated succourt shall cense, and stipulés cefferat, & à la place succedera pour les deux couronnes l'obligation de faire la guerre conjointement, en y employant toutes leur forces; & pour cet effet, les deux hautes parties contractantes feront alors entr'elles des conventions particulieres, relatives aux circonstances de la guerre, dans laquelle elles se trouveront engagees, concerteront leurs efforts & leurs avantages respectifs & reciproques, comme ausli leurs plans & operations militaires & politiques, & ces conventions, etant faites, les deux Rois les executeront ensemble; & d'un commun & parfait accord:

ART. XVII. L. L. M. M. Tres Chrétienne & Catholique s'engagent & se promettent, pour le cas, où elles se trouveroient en guerre, de n'ecouter ni faire aucune proposition de paix, de ne la traiter ni conclure avec l'ennemi, ou les ennemis, qu'elles auront, que d'un accord & confentement mutuel & commun, & de le communiquer reciproquement tout ce qui pourroit venir à leur connoiffance, qui interefferoit les deux couronnes, & en particulier fur l'objet de la pacification; de forte qu'en guerre, comme en paix, chacun des deux couronnes regardera comme fes propres interêts ceux de la couronne son alliée.

ART. XVIII. En conformité de ce principe & de la engagement contracté en consequence, L. L. M. M. Très Chrétienne & Catholique font convenues, que lorsqu'il s'agira de terminer, par la paix, la guerre qu'elles auront foutenue en commun, elles compenseront les avantages, qu'une des deux puissances pourroit avoir eu, avec les pertes l'autre auroit pu faire ; de maniere que, sur les conditions de la paix, comme fur les operations de la guerre, les deux monarchies de France & d'Espagne, dans toute l'etendue de leur domination, feront regardées, & agiront, comme si elles ne formoient qu'une feule & meme puissance.

ART. XIX. S. M. le Roi des Deux Siciles, ayant les mêmes liai-Vot. VI. fons

and instead thereof the two crowns oblige themselves to make war conjointly, and to employ all their forces therein; and for this purpose, the two high contracting parties will then enter into particular agreements, relative to the circumstances of the war, in which they shall find themfelves engaged; they will reciprocally join in their efforts and respective advantages, as also in their plans and military and political operations; and, these agreements, being made, the two Kings will conjointly execute them with one common and perfect accord,

ART. XVII. Their Most Chritian and Catholic Majesties engage and promise, in case they shall find themselves engaged in a war, neither to listen to nor make any propositions of peace, neither to treat nor conclude any thing with their enemy or enemies, but by mutual and common consent and agreement, and reciprocally to communicate every thing that shall come to their knowledge, interesting to the two crowns, and in particular on the terms of peace; fo that in war as in peace, each of the two crowns shall regard as his own interest that of his ally.

ART. XVIII. In conformity to this principle, and the engagement contracted in consequence thereof, their Most Christian and Catholic Majesties have agreed, that when they shall terminate by peace the war they shall have supported in common, they will balance the advantages, which one of the two powers may have received, against the losses of the other; so that, on the conditions of peace, as in the operations of war, the two Monarchs of France and Spain, throughout the extent of their Empire, shall be considered, and will act, as if they formed but one and the same power.

ART. XIX. The King of the Two Sicilies, having the same ties of blood C c c mêmes intérêts, qui unissent intimement leurs Majestés Très Chrêtienne & Catholique, S. M. Catholique stipule pour le Roi des Deux Siciles, fon fils, & s'oblige à lui faire ratifier, tant pour lui, que pour ses descendans à perpetuité, tous les articles du present traité; bien entendu que, pour ce qui regarde la proportion des lienne, ils seront determinés dans son acte d'accession au dit traité, survant l'etendue de sa puissance.

ART. XX. L. L. M. M. Tres Chrétienne, & Catholique, & Sicilienne, s'engagent non seulement à concourir au maintien & à la solendeur de leurs royaumes, dans l'état où ils se trouvent actuellement, mais encore à fontenir, sur tous les objets fans exception, la dignité & les droits de leurs maisons, de sorte que chaque peince, qui aura l'honneur d'être iffu du même fang, pourroit être affuré, en toute occasion, de la protection & de l'assistance des trois couronnes.

ART. XXI. Le present traité des vant être regarde, ainfi qu'il a été annoncé dans le préambule, comme un Pade de Famille entre toutes les branches de l'auguste maison de Bourbon, nulle autre puissance, que celles qui seront de cette maison, ne pourra être invitée, ni admise à vacceder.

ART. XXII. L'amitié étroite, qui unit les monarques contractans, & les engagemens qu'ils prennent par ce traité, les determinent auffi à stipuler, que leurs états & sujets respectifs participeront aux avantages, & à la liaison établis entre ces souverains; &. leurs Majestés se promettent de ne pas fouffrir, qu'en aucun cas, ni four quelque pretext que ce foit, leurs dits états & sujets puissent rien faire, ou entreprendre, de contraire à la parfaite correspondence, qui doit subsister inviolablement entre les trois couronnes.

ART. XXIII. Pour cimenter l'au-'tant plus cette intelligence, & ces 'avantages recriproques entre les sujets

sons de parenté & d'amitié, & les and friendship, and the same interests, which intimately unite their Most Christian and Catholic Majefties, his Catholic Majesty stipulates for the King of the Two Skilles, his fon, and obliges himfelf to make him ratify, as well for himself as his descendants for ever, all the articles of the prefent treaty; and, as to what regards the proportion of fuccours to secours à fournir par S. M. Sici- be furnished by his Sicilian Majesty, they shall be settled in his act of accession to the said treaty, according to the extent of his power.

ART. XX. Their Most Christian, Catholic, and Sicilian Majesties, en= gage not only to concur in the maintenance and folendour of their kingdoms, in their present state, but also to support, on every occasion whatever, the dignity and rights of their houses, so that each Prince, who shall have the honour to descend from the same blood, may be assured, at all times, of the protection and affiliance

of three Crowns.

ART. XXI. The present treaty being to be confldered, as hath been already announced in the preamble, as a Family Compact between all the branches of the august House of Bourbon, no other power, but those of that House, can be invited or admitted to accede thereto.

" Ann. XXII. The third friendling which unites the contracting hidnarchs, and the engagements they take by this treaty, determine them also to stipulate, that their dominions and respective subjects shall partake of the advantages, and of the union established between those Sovereigns; and their Majesties promite flot to fuster, in any case, nor linder any pretence whatever, their fald subjects to do, or undertake, any thing contrary to that perfect correspondence, which ought inviolably to liblist between the three Crowns.

ART. XXIII. The more effectually to preferve this harmony, and thefe reciprocal advantages between the fublects des deux couronnes, il a été convenu, que les Espagnols ne seront plus reputées Aubains en France, & en confequence S. M. Très Chrê-tienne s'engage à abolir en leur faveur le droit d'Aubaine, en sorte qu'ils pourront disposer par testadonatifs, ou autrement, mens, tous leurs biens fans exception, de quelque nature qu'ils foyent, qu'ils possedent dans son royaume, & que leurs heritiers, sujets de S. M. Catholique, demeurant tant en France qu'ailleurs, pourront recueillir leurs fuccessions, même abintestat, foit par eux-mêmes, foit par leurs procureurs, ou mandatoires (quoiqu'ils n'ayent point obtenu des lettres de naturalité) & les transporter hors des états de S. M. très Chrétienne, non obstant toutes loix, edicts, statuts, coutumes, ou droits, à ce contraire, auxquels S. M. très Chrêtienne deroge, en tantque befoin feroit. S. M. Ca-tholique s'engage, de fon côté, à faire jouir des mêmes privileges, & de la même manière dans tous les états & pais de fon domination en Europe, tous les François & sujets de S. M. très Chrêtienne, par rapport à libre disposition des blens qu'ils posfederont dans toute l'etendue de la monarchie Espagnole, de sorte que les sujets des deux couronnes seront generalement traité (en ce qui re-garde cet article) dans les pais des deux dominations, comme les propres & naturels fujets de la puissance, dans les états de laquelle ils relideront. Tout ce qui est dit ci dessus, per rapport à l'abelition du droit d'Aubaine, & aux avantages, dont les François doivent jouir dans les états du royaume d'Espagne en Europe, & les Espagnols en France, est accorde aux fujets du Roi des Deux Siciles, qui feront compris aux-mêmes conditions dans cet article, & reciproquement les fujets de L. L. M. M. Très Chretienne & Catholique, jouiront des mêmes exemptions & avantages dans les états de S. M. Sicilienne. ART. XXIV. Les sujets des hautes parties

nions, notwithstanding all the laws, edicts, statutes, customs, or rights, to the contrary, which his Christian Majesty hereby annuls as far as is neceffary, His Catholic Majelty engages, on his part, to grant the fame privileges, and in the same manner, in every part of his dominions in Europe, to all the French subjects of his Molt Christian Majesty, with respect to the free disposal of the effects they shall possess in any part of the Spanish monarchy; so that the sub-jects of the two Crowns shall be generally treated, (in what regards this article) in both dominions, as the proper and natural fubjects of the power, in whose territories they re-side. Every thing above-faid, respecting the abolition of the right of escheatage, and the advantages, which the French are to enjoy in the Spa-nish dominions in Europe, and the Spaniards in France, is granted to the subjects of the King of the Two Sicilies, who shall be comprifed under the fame condition in this article; and the subjects of their Most Christian and Catholic Majesties shall reciprocally enjoy the fame exemption and advantages in the dominions of his Sicilian Majelly. ART. XXIV. The Subjects of the Digitized by Google

Subjects of the two Crowns, it is

agreed, that the Spaniards shall no

longer be confidered as foreigners in France, and confequently his Most Christian Majesty engages to abolish.

in their favour, the right of escheatage, so that they may dispose, by

will, donations, or otherwise, of all

their effects, without exception, of

what nature soever, which they posfels in his kingdom, and which their

heirs, fubjects of his Catholic Ma-

jefty, relident in France or elsewhere,

fhall have power to receive their inheritance, even where no will is made.

either by themselves, their attornies,

or particular order, (though they

may not have obtained letters of naturalization) and convey them out of

his Most Christian Majesty's domi-

parties contractantes seront traités. relativement au commerce, & aux impolitions, dans chacun des deux royaumes en Europe, comme les propres sujets du pais où ils aborderont ou resideront, de sorte que ce pavillon Espagnol jouira en France des mêmes droits & prerogatives, que le pavillon François, & pareillement que ce pavillon François sera traité en Espagne avec le même faveur que le pavillon Espagnol. Les sujets des deux monarchies, en declarant leurs marchandizes, payeront les mêmes droits que seront payés par les nationaux. L'importation & l'exportation leur seront egalement libres, comme aux sujets naturels; & il n'y aura de droit à payer de part d'un. & d'autre, que ceux qui seront perçus sur les propres sujets du souverain, ni de matieres sujettes à confiscation, que celles qui seront prohibées aux nationaux eux mêmes; & pour ce qui regarde ces objets, tout traité, con, ventions, ou engagemens anterieurs. entre les deux monarchies resteront abolis: hien entendu, que nulle autre

Espagne, non plus qu'en France, d'aucun privilege plus avantageux que celui des deux nations; on obfervera les mêmes regles en France & en Espagne, à l'egard du pavillon & des sujets du Roi des Deux Siciles; & S. M. Sicilienne le fera reciproquement observer à l'egard du pavillon, & des sujets, des couronnes de France

& d'Espagne.

ART. XXV. Si les hautes parties contractantes sont dans la suite quelque traité de commerce avec d'autres puissances, & leur accordent, ou leur ont de la accordé, dans leurs ports ou états le traitement de la nation le plus favorisse, on previendra les dites puissances, que le traitement des Espagnols en France, & dans les Deux Siciles, des François en Espagne, & pareillement dans les Deux Siciles, & des Neapolitains & Siciliens en France & en Espagne, fur le même objet, est excepté à cet egard,

high contracting parties shall be treat. ed, with respect to commerce and duties, in each of the two kingdoms in Europe, as the proper subjects of the country in which they live or refort to; so that the Spanish flag shall enjoy in France the same rights and prerogatives as the French flag; and, n like manner, the French flag shall be treated in Spain with the fame favour as the Spanish slag. The subjects of the two monarchies, in declaring their merchandizes, thall pay the same duties as shall be paid by the natives. The importation and exportation shall be equally free to them as to the natural fubjects; nelther shall they pay any other duty than what shall be received from the natural subjects of the Sovereign, nor any goods be liable to conficution, but fuch as are prohibited to the natives themselves; and as to what concerns these objects, all interior treaties, conventions, or engagements, between the two monarchies, are hereby abolished. And further, that no other foreign power shall enjoy in Spain, any more than in France, any privileges more advantageous than those of the two nations; the faine rules shall be observed in both France and Spain, with regard to the flag and subjects of the King of the Two Sicilies: and his Sicilian Majesty shall reciprocally cause to be observed the same, with respect to the flag and subjects of the Crowns of France and Spain.

ART. XXV. If the high contracting parties shall hereafter conclude a treaty of commerce with other powers, and grant them, or have already granted them, in their ports of dominions, the treatment granted to the most favourite nation, notice shall be given to the shid powers, that the treatment of Spaniards in France, and in the Two Sicilies, of Frenchmen in Spain, and in like manner in the Two Sicilies, and of Neapolitans and Sicilians in France and Spain, upon the same sooting, is excepted,

& ne doit point être cité, ni servir d'exemple, L. L. M. M. très Chrêtienne, Catholique, & Sicilienne, ne voulant faire participier aucune autre nation aux privileges, dont elles jugent convenable de faire jouir reciproquement leurs sujets respectifs.

ART. XXVI. Les hautes parties contractantes se confierent reciproquement toutes les alliances, qu'elles pourront former dans la fuite, & les negociations qu'elles pouvront suivre, fur tout lorsqu'elles auront quelque rapport avec leurs interêts communs : & en consequence L. L. M. M. Très Chrêtienne, Catholique, & Sicilienne, ordonneront à tous les Ministres refpectifs, qu'elles entretiennent dans les autres cours de l'Europe de vivre entr'eux dans l'intelligence la plus parfaite, avec la plus entiere cofihance, afin que toutes les demarches faites au nom de quelq'une des trois couronnes, tendent à leur gloire, & à leurs avantages communs, & soyent nn gage constant de l'intimité, que leurs dites majestés veulent établir & perpetuer entr'elles.

Art. XXVII. L'objet delicat de la préséance dans les actes, fonctions, & ceremonies publiques, est souvent un obstacle à la bonne harmonie, & à l'intime confiance, qu'il convient d'entretenir entre les Ministres respectifs de France & d'Espagne, parceque ces fortes de discussions, quelque tournure qu'on prenne pour les faire cesser, indisposent les esprits. Elles étoient naturelles quand les deux couronnes appartenoient à des Princes de deux differentes maisons; mais actuellement, & pour tout le tems, pendant lequelle la Providence a determiné de maintenir sur les deux trônes des Souverains de la même maison, il n'est pas convenable qu'il subliste entre eux une orcasion continuelle d'altercation & de mécontentement; L. L. M. M. Très Chrêtienne & Catholique sont convenues, en consequence, de faire entierement cesser cette occasion, en fixant pour regle invariable

in that respect, and ought not to be quoted, or serve as an example, their Most Christian, Catholic, and Sicilian Majesties, being unwilling that any other nation should partake of those privileges, which they judged convenient for the reciprocal enjoyment of their respective subjects.

ART. XXVI. The high contracting parties will reciprocally confide in all the alliances which they shall hereafter form, and the negociations they shall engage in, especially such as shall have any influence on their common interests; and, confequently, their Most Christian, Catholic, and Sicilian Majesties, will order all their respective Ministers, that they endeavour, in the other Courts of Europe, to maintain among themselves the most perfect harmony and entireconfidence, that every step taken in the name of either of the three Crowns, may tend to their glory and common advantages, and be a constant pledge of the intimacy which their faid Majesties would for ever establish among them.

ART. XXVII. The delicate object of precedence in public acts, employments, and ceremonies, is often an obstacle to good harmony and the intimate confidence which ought to be supported between the respective Ministers of France and Spain, because such contentions, whatever method may be taken to stop them, indispose the mind. These naturally arose when the two Crowns belonged to Princes of two different Houses; but now, (and at all times hereafter) and as long as Providence has determined to maintain on the two thrones Sovereigns of the same House, it is not agreeable, that there should subfift between them a continual occasion for altercation and discontent, their Most Christian and Catholic Majesties have therefore agreed, entirely to remove that occasion, in determining, as an invariable rule to their Ministers, invested with the same cha-

învariable à leurs Ministres, revetus du même caractére, dans les cours étrangéres, que dans les cours de famille, comme sont présentement colles de Naples & de Parme, les Ministres du Monarque chef de la maison, auront toujours la préseance dans tel acte, function, ou ceremonie que ce soit, laquelle préseance sera regardée comme une suite de l'avantage de la naissance; & que dans toutes les autres cours, le Ministre (soit de France, soit d'Espagne) qui fera arrivé le dernier, ou dont la residence sera plus recente, cedera au Ministre de l'autre couronne, & de même charactère, qui sera arrivé le premier, ou dont la residence sera plus ancienne, de façon qu'il y aura desormais à cet égard une alternative constant & fraternelle, à laquelle aucune autre puissance redevra, ni ne pourra être admises attendu que cet arrangement, qui est uniquement une suite du present Pacte de Famille, cesseroit si des Princes de la même maifon n'occupoient plus les trônes des deux monarchies, & qu'alors chaque conronne rentreroit dans ses droits, ou pretensions à la présence. Il a été convenu aussi, que, si par quelque cas fortuit, les Ministres des deux couronnes arrivoient précisement en même tems dans une cour, autre que celle de famille, le Ministre du Souverain chef de la maison, precedera à ce titre le Ministre du Souverain, cadet de la même maison.

Aur. XXVIII. Le present traité, ou Paste de Famille, sera ratisse, & les ratisseations en seront échangées dans le tems d'un mois, ou plutôt si faire se peut, à compter du jour de

la singuature du dit traité.

En soi de quoi, nous Ministres Plenip. de S. M. Très Chrètienne, & de S. M. Catholique, soussignés, en vertu des Pleinpouvoirs qui sont transcrits literalement & fidelement au bas de ce present traité, nous l'avons signé, & avons opposé les chachets de nos armes.

. Fait à Paris, le 15 Août, 1761. . Signé, Le Duc de Choiseul.

racter, in foreign Courts, as well as in those of the family, (for such now certainly are those of Naples and Parma) that the Ministers of the chief Monarch of the House shall always have the precedence in every act, employment, or ceremony whatever, which precedence shall be regarded as the consequence of the advantage of birth; and that, in all other Courts, the Minister (whether of France or Spain) who shall last arrive, or whole residence shall be more recent, shall give place to the Minister of the other Crown, and of the same character, who shall have arrived first, or whose residence shall have been prior, so that henceforth, in that respect, there will be a certain and brotherly alternative, to which no other power can be subject, nor shall be admitted, seeing that this arrangement, which is equally a consequence of the present Family Compull, would cease, if the Princes of the same House no longer filled the thrones of the two monarchies, and that then each Crown would refume its rights or pretentions to precedence. It is agreed also, that; if by accident the Ministers of the two Crowns should arrive precisely at the same time in any other Court than that of the family, the Minister of the Sovereign Chief of the House shall take place of the Minister of the Sovereign who is a junior of the same House.

ART. XXVIII. The present treaty, or Family Compact, shall be ratified, and the ratification exchanged, within the space of one month, or sooner if may be, to be reckoned from the day of the signing of the said treaty.

In witness whereof, we, the underfigned Ministers Plenipotentiary for their Most Christian and Catholic Majesties, by virtue of those full powers, which are literally and faithfully transcribed at the bottom of this treaty, have hereunto fixed our hands and seals.

Given at Paris, August 15, 1761, Signed, The Duke De Choiseul.

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